

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JOHN FOCHE,

Plaintiff,

v.

CASE NO: 14-cv-2871-T-26-TGW

NAPA HOME & GARDEN, INC., et al.,

Defendants.

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the procedural history of this case, it is **ORDERED AND ADJUDGED** as follows:

1) The case against Defendants Napa Home & Garden, Inc., and Fuel Barons, Inc., is dismissed without prejudice and without further notice due to the Plaintiff's failure to respond to this Court's order to show cause entered March 19, 2015, at docket 27, directing Plaintiff to show cause on or before April 2, 2015, why the case as to these two Defendants should not be dismissed without prejudice for failure to effect service of process on them within 120 days of the filing of the complaint. As that order reflects, the Plaintiff was put on specific notice that "[t]he Plaintiff's failure to file a timely response will result in the dismissal of the case against these Defendants without prejudice and without further notice."

2) Defendant Losorea, Packaging Inc.'s Motion to Dismiss (Dkt. 14) is denied without prejudice as moot in view of the Plaintiff's filing of a second amended complaint.

3) The remaining Defendants to this lawsuit shall file their responses to the second amended complaint within fourteen (14) days of this order. The Court holds in abeyance the Plaintiff's request to undertake jurisdictional discovery until the Defendants have filed their responses.

DONE AND ORDERED at Tampa, Florida, on April 6, 2015.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record