

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

**PETER MICHAEL SLOAN a/k/a PETER  
SHATNER,**

**Plaintiff,**

v.

**Case No: 8:17-cv-332-T-27AAS**

**WILLIAM SHATNER,**

**Defendant**

**ORDER**

**BEFORE THE COURT** is Plaintiff's Motion for Relief from Court Order Dismissing Plaintiff's Claim against Defendant Cherry Hepburn, Individually and d/b/a Putnam & Smith (Dkt. 30), which Shatner opposes (Dkt. 31). Plaintiff seeks reconsideration of this Court's Order (Dkt. 29) dismissing Hepburn without prejudice due to Plaintiff's failure to show cause why she should not be dismissed for failure to timely serve summons pursuant to Rule 4(m). Plaintiff has not shown any reason why he failed to serve Hepburn within the time permitted or seek an extension of time.<sup>1</sup> Upon consideration, the Motion (Dkt. 30) is **DENIED**.

**DONE AND ORDERED** this 31<sup>st</sup> day of July, 2017.

  
**JAMES D. WHITTEMORE**  
United States District Judge

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<sup>1</sup> Contrary to Plaintiff's contention, the time to serve a defendant named in the original complaint is not restarted by the filing of an amended complaint. *Bolden v. City of Topeka, Kan.*, 441 F.3d 1129, 1148 (10th Cir. 2006). "This construction of the rule prevents the plaintiff from repeatedly filing amended complaints 'to extend the time for service indefinitely[.]'" *Id.* (quoting *Del Raine v. Carlson*, 826 F.2d 698, 705 (7th Cir.1987)); see also *Lindley v. City of Birmingham, Ala.*, 452 F. App'x 878, 880 (11th Cir. 2011).