

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

CURTIS LEON DAVIS,

Plaintiff,

vs.

Case No: 1:10-cv-95-MP-GRJ

SADIE DARNELL, et al.,

Defendants.

ORDER

Pending before the Court are Plaintiff's Motion For Extending Time To Service Of Summons (Doc. 25) and a document from Plaintiff requesting the issuance of summonses and a copy of the Court's rules relating to actions under 28 U.S.C. § 1983. (Doc. 24.) Plaintiff, a prisoner presently incarcerated at Avon Park CI, initiated this case by filing a *pro se* complaint under 42 U.S.C. § 1983, and has been granted leave to proceed as a pauper. (Doc. 5.) Plaintiff is proceeding pursuant to a second amended complaint, Doc. 23 (hereafter "Complaint").¹

The undersigned recently entered a Report and Recommendation recommending dismissal of the Complaint. (Doc. 26.) If the Report and Recommendation is adopted and the Complaint is dismissed, then service of the Complaint will not be ordered and the issuance of summonses by the Clerk would be unnecessary. Accordingly, both of Plaintiff's motions are due to be **DENIED**. If

¹Plaintiff styled the pleading as his "First Amended" complaint, but it is in fact his second amended complaint.

Plaintiff's Complaint is deemed sufficient to proceed on, then the Court will order the Clerk to issue the summonses and direct service on its own motion.

Accordingly, it is **ORDERED**:

(1) Plaintiff's Motion For Extending Time To Service Of Summons (Doc. 25) is **DENIED**.

(2) Plaintiff's request for summonses and a copy of the Court's rules relating to actions under 28 U.S.C. § 1983 actions (Doc. 24) is **DENIED**.

DONE AND ORDERED this 31st day of October 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge