

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

TERRY L. HALE,  
Plaintiff,

vs.

Case No. 3:08cv324/MCR/EMT

JOHN E. POTTER,  
Defendant.

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**ORDER**

This cause filed pro se pursuant to 42 U.S.C. § 2000(e) on July 30, 2008, is before the court upon referral from the clerk.

After Plaintiff paid the filing fee, the court on December 11, 2008, directed Plaintiff to effect service of the complaint (Doc. 10). In light of Plaintiff's pro se status, the court provided Plaintiff with detailed service instructions (*id.*). On June 12, 2009, with no proof of service having been filed, the court issued an order to show cause why the case should not be dismissed for the failure to effect service (Doc. 12). Plaintiff responded, stating that he had not received the court's December 11, 2008, order (Doc. 13). Finding good cause for Plaintiff's failure to effect service, the court on July 16, 2009, directed the clerk to reissue summonses and instructed Plaintiff that he must serve the summonses and complaint within thirty (30) days from the date of its order (Doc. 14). Plaintiff was further advised that his failure to do so could result in a recommendation of dismissal of the action. More than thirty days have now elapsed without any activity in this case, including proof that service has been effected upon Defendant.

Accordingly, it is **ORDERED**:

Within **TWENTY (20) DAYS** from the date of docketing of this order Plaintiff shall show cause why this action should not be dismissed for failure to comply with the court's July 16, 2009, order to effect service of process within thirty days and failure to prosecute.

**DONE AND ORDERED** this 15<sup>th</sup> day of September 2009.

*/s/ Elizabeth M. Timothy* \_\_\_\_\_

**ELIZABETH M. TIMOTHY**

**UNITED STATES MAGISTRATE JUDGE**