

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

CANAL INDEMNITY COMPANY,

Plaintiff,

v.

Case No.: 3:08cv412/MCR/EMT

COASTWIDE DISASTER RELIEF  
AND RECOVER, L.L.C., et al.,

Defendants.

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**ORDER**

This cause was filed September 18, 2008. It presently is before the court upon referral by the clerk.

The 120 day period for service has expired with no proof of service having been filed. See FED.R.CIV.P. 4(l), (m). Plaintiff shall be required to show cause why this case should not be dismissed for the failure to effect service within the time specified under Rule (4)m. In addition, no activity by way of filing of pleadings or otherwise has occurred in this case for a period of more than ninety days. Rule 41.1(A) of the Local Rules of this district empowers this court to dismiss any civil action after such a ninety day period of inactivity unless, after notice from the court, satisfactory cause is shown why the case should not be dismissed. Plaintiff shall therefore also be required to show cause why this case should not be dismissed for want of prosecution.

Accordingly, it is ORDERED:

1. Plaintiff shall have **ten (10) days** from the date of the entry of this order in which to show cause, if any, why this case should not be dismissed for failure to effect service and failure to prosecute.

2. Failure to comply with the requirements of this order will result in the dismissal of this cause for failure to comply with an order of the court and failure to prosecute.

**DONE AND ORDERED** this 21st day of July, 2009.

*s/ M. Casey Rodgers*

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**