

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

DENNIS FREEMAN,

Plaintiff,

v.

CASE NO. 4:11-cv-00037-WS-GRJ

SECRETARY, FLORIDA DEPARTMENT
OF CORRECTIONALS,

Defendant.

_____ /

ORDER

This cause is pending before the Court on Doc. 11, Plaintiff's Response to Order to Show Cause and motion for extension of time to serve Defendant. This Court's March 18, 2011 order (Doc. 8) instructed Plaintiff that he is responsible for serving the complaint upon the Defendant and for following the applicable rules for service. Plaintiff was advised that defendants must be served within 120 days from the date of the filing of the complaint. Fed. R. Civ. P. 4(m). The complaint was filed on January 25, 2011; thus, the deadline for service was May 25, 2011. (Doc. 1.) Extensions of this deadline may be granted upon a showing of good cause. Fed. R. Civ. P. 4(m). No service has been executed as to the Defendant and Plaintiff has provided the Court no evidence that Defendant has waived formal service.

In Plaintiff's response to this Court's October 4, 2011 Order to Show Cause (Doc. 10), he states that before the 120-day period expired, he mailed the complaint and summons to the Daley Law Firm in Tallahassee and that the firm advised him the complaint was timely served upon the Defendant. (Doc. 11.) Plaintiff states that he

advised the Daley Law Firm of this Court's order to show cause but has not yet received a response. Plaintiff requests an unspecified extension of time to serve the Defendant. The Court finds that based on Plaintiff's explanation of facts in his response, good cause exists to extend the deadline for service.

Accordingly, it is **ORDERED**:

Plaintiff's motion for extension of time is **GRANTED**. Plaintiff shall have until **on or before December 2, 2011**, to execute service as to the Defendant.

DONE AND ORDERED this 18th day of October 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge