

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 CORRECTIONS,

Defendant.

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**ORDER**

This cause is pending before the Court on Doc. 13, Plaintiff's motion for extension of time to serve Defendant. Plaintiff's 120-day deadline for serving Defendant was May 25, 2011. On October 4, 2011, this Court issued an Order to Show Cause why the case should not be dismissed because Defendant has not been served. (Doc. 10.) In response, Plaintiff stated 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 stated that he advised the Daley Law Firm of this Court's order to show cause but had not received a response. The Court granted an extension of time giving Plaintiff until on or before December 2, 2011 to execute service. (Doc. 12.) In the instant motion, Plaintiff states that despite repeated attempts at contacting the law firm, he has received no response. Plaintiff asserts that he sent his only copy of the complaint and the summons to the law firm. Plaintiff requests a 30-day extension of time to serve Defendant. (Doc. 13.) The Court finds that good cause exists to extend

the deadline for service.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion for extension of time is **GRANTED**. Plaintiff shall have until **on or before January 3, 2012**, to execute service as to the Defendant.

2. The Clerk shall forward to Plaintiff a copy of Fed. R. Civ. P. 4, one blank summons, two copies of AO 398, and one copy of the Complaint (Doc. 1) so that Plaintiff may request the Defendant to waive formal service, if applicable.

3. If Plaintiff elects to attempt formal service, he shall complete each summons and return to the Clerk within 20 days of this date. If the summonses are completed and returned, the Clerk shall issue a summons for each defendant indicating that they have twenty-one (21) days to respond to the complaint.

4. After a response to the complaint has been filed by a Defendant, Plaintiff is required to mail to the attorney for the Defendants a copy of every pleading or other paper, including letters, submitted for consideration by the Court. Plaintiff must include with the original paper to be filed with the Clerk of Court a certificate of service which states the date a correct copy of the paper was mailed to the Defendants or the attorney representing the Defendants. Any paper submitted for filing after a response to the complaint has been filed by the Defendants which does not contain a certificate of service shall be returned by the Clerk and disregarded by the Court.

**DONE AND ORDERED** this 1<sup>st</sup> day of December 2011.

*s/ Gary R. Jones*  
GARY R. JONES  
United States Magistrate Judge