

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.

_____ /

ORDER

Plaintiff is a prisoner proceeding *pro se*, alleging that the policy of the Florida Department of Corrections, codified at Fla. Admin. Code. Ann. r. 33-602.22, violates his First Amendment rights by restricting him to religious reading materials only while in disciplinary confinement. (Doc. 1.)

Plaintiff was initially granted leave to proceed as a pauper but paid the full filing fee. (Docs. 3, 7). The complaint was filed on January 25, 2011; thus, the deadline for service was May 25, 2011. (Doc. 1.) In Plaintiff's response to this Court's October 4, 2011 Order to Show Cause (Doc. 10), he 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 yet received a response. The Court granted Plaintiff two extensions of time, with the most recent deadline for service passing on January 3, 2012.

No service has been executed as to the Defendant and Plaintiff has provided the Court no evidence that Defendant has waived formal service.

Accordingly, it is **ORDERED**:

That Plaintiff shall show cause **on or before January 19, 2012**, as to why this case should not be dismissed for failure to timely serve the Defendant.

DONE AND ORDERED this 5th day of January 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge