

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60804-CIV-ZLOCH

CHARLES PENNACHIO,

Plaintiff,

FINAL ORDER OF DISMISSAL

vs.

JOSEPH RESTIVO, WYATT PAULEY,
and METROPOLIS PROMOTIONS, INC.,Defendants.

THIS MATTER is before the Court sua sponte. The Court has carefully reviewed the entire court file herein and is otherwise fully advised in the premises.

By prior Order (DE 8), the Court gave Plaintiff until noon on Monday, September 29, 2008, to either effect service upon Defendants, otherwise show compliance with Federal Rule of Civil Procedure 4, or to file a memorandum establishing good cause for his failure to effect service upon Defendants within the time prescribed by Rule 4. Therein, the Court stated that "failure of Plaintiff to timely abide by the terms and conditions of this Order will result in dismissal of the above-styled cause without prejudice and without further notice or hearing." DE 8, p. 2. The Court notes that Plaintiff has failed to file such a memorandum, establish that he has otherwise complied with Federal Rule of Civil Procedure 4, or show good cause for not properly serving

Defendants.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. The above-styled cause be and the same is hereby **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for Plaintiff's failure to serve Defendants and for Plaintiff's failure to abide by the terms and conditions of the Court's prior Order (DE 8); and

2. To the extent not otherwise disposed of herein, all pending motions are hereby **DENIED** as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 30th day of September, 2008.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel of Record