

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 09-23659-CIV-MORENO

TARIQ A. JILANI,

Plaintiff,

vs.

FPL GROUP, INC., JUDGE GOLD, JUDGE
MARTINEZ, JUDGE TURNOFF, MALASKY,
ESQ, THE FLORIDA BAR, MOORE, ESQ.,
BARNABY, ESQ., MARVIN ESQ., and LEDA
SILVER,

Defendants.

ORDER DISMISSING CASE WITHOUT PREJUDICE


THIS CAUSE came before the Court upon a *sua sponte* review of the record.

THE COURT has considered the pertinent portions of the record, and the last recorded date of various proceedings. On June 14, 2010, the Court issued an Order to Show Cause why the complaint in this case was not served in compliance with Federal Rule of Civil Procedure 4(m). Plaintiff responded that he served requests for waivers of service of process. Plaintiff's complaint was filed on December 8, 2009 and to date, Plaintiff has not filed copies of the requests for waiver. Therefore, it is

ADJUDGED that this case is DISMISSED without prejudice as to Defendants Judge Alan Gold, Judge Jose Martinez, and Magistrate Judge William Turnoff for failure to serve the complaint in compliance with Federal Rule of Civil Procedure 4(m) and 4(i), which contains the requirements for service on an officer of the United States. It is also

ADJUDGED that the case is DISMISSED without prejudice as to Defendant FPL Group, Inc. and Ellen Malasky for failure to serve the complaint in compliance with Federal Rule of Civil Procedure 4(m) and 4(d) as Plaintiff has not filed the waivers of service of process as required by Rule 4(d)(4) and the 120 days have long passed. The mere filing of the receipts from the post office indicating Plaintiff mailed something to Defendants is insufficient to find the waivers properly filed to dispense with the service of process requirement of Federal Rule of Civil Procedure 4. The Clerk of Court shall mark this case as CLOSED and DENY all pending motions as moot.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of June, 2010.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

Counsel of Record