

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

LOUIS WILLINGHAM, SR.,)	
)	
Plaintiff,)	
)	
v.)	CV 119-045
)	
UNITED STATES OF AMERICA and)	
CROWDER STEWART, LLP,)	
)	
Defendants.)	

ORDER

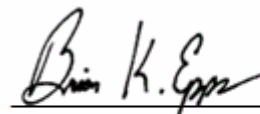
Plaintiff filed the above-captioned case on March 22, 2019, and because he is proceeding *pro se*, on May 24, 2019 the Court provided him with basic instructions regarding the development and progression of this case. (Doc. no. 9.) The Court explained Plaintiff is responsible for serving Defendants and explained how service could be accomplished. (Id. at 1-2.) The Court specifically informed Plaintiff, under Fed. R. Civ. P. 4(m), he had ninety days from the complaint filing to accomplish service and that failure to accomplish service could result in dismissal of the case. (Id. at 3.)

On July 31, 2019, Plaintiff filed a motion for a non-specific extension of time to effect service, assuming the service deadline ended ninety days after filing the complaint on June 20, 2019. (Doc. no. 10.) On August 1, 2019, the Court granted Plaintiff an extension through and including September 30, 2019, to properly effect service of process. (Doc. no. 11.) Additionally, the Court again instructed Plaintiff service must be completed according

to the Federal Rules of Civil Procedure and failure to properly serve Defendants and docket such proof by the deadline may result in dismissal. (Id.) Now, the September 30th deadline has elapsed, and there is no evidence in the record that any Defendant has been served. Indeed, there has been no case activity docketed since the Court's August 1st Order.

Rule 4(m) empowers courts with discretion to extend the time for service when a plaintiff demonstrates good cause for failing to timely serve process or any other circumstances warrant an extension of time. Henderson v. United States, 517 U.S. 654, 662-63 (1996); Lepone-Dempsey v. Carroll Cty. Comm'rs, 476 F.3d 1277, 1282 (11th Cir. 2007); Horenkamp v. Van Winkle & Co., 402 F.3d 1129, 1132 (11th Cir. 2005). Accordingly, Plaintiff shall have fourteen days from the date of this Order to explain the reason(s) for the delay in service of process and why this case should not be dismissed without prejudice for failure to timely effect service. The Court **DIRECTS** the Clerk of Court to attach a copy of Rule 4(m) to this Order for Plaintiff's perusal.

SO ORDERED this 8th day of October, 2019, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA