

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MOHAMMAD A. JABBAR,

Plaintiff,

v. ERIC K. SHINSEKI,

Respondent.

No. 13-cv-00334-DRH-PMF

ORDER

HERNDON, Chief Judge:

Now before the Court is respondent's motion to dismiss (Doc. 14). Plaintiff opposes the motion and seeks leave for an extension of time to perfect service (Docs. 18, 19). Respondent claims that plaintiff failed to properly serve defendant within the required time period and thus moves to dismiss.

The Court notes that although plaintiff did not properly serve defendant, plaintiff was misled by an errant directive by the court's clerk to file a motion for default judgment. Therefore, in the interest of justice and for good cause shown, the Court **DENIES** respondent's motion to dismiss (Doc. 14), and **GRANTS** plaintiff's motion for extension of time to perfect service (Doc. 19). Service must be perfected by August 23, 2013.

IT IS SO ORDERED.

signed this 19th day of August, 2013.

Digitally signed
by David R.
Herndon
Date: 2013.08.19
12:34:45 -05'00'



**Chief Judge
United States District Court**