



prejudice to the ability of defendant to move to dismiss for lack of jurisdiction, to dismiss for failure to state a claim upon which relief can be granted, or for a more definite statement, or to file such other motion as may be appropriate.

Accordingly, it is hereby ordered that:

1. Plaintiff's claims against defendant Stan Kadelski are DISMISSED;
2. The Clerk shall issue a summons as to TD Bank; and
3. The Clerk shall send the summons, amended complaint, and this order to plaintiff, who must thereafter serve the defendant in accordance with Federal Rule of Civil Procedure 4(m). Plaintiff may elect to have service made by the United States Marshals Service. If directed by plaintiff to do so, the United States Marshals Service shall serve the defendant, in the manner directed by the plaintiff, with all costs of service to be advanced by the United States Marshals Service. Notwithstanding Fed. R. Civ. P. 4(m) and Local Rule 4.1, the plaintiff shall have 120 days from the date of this order to complete service.

**So Ordered.**

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

Dated: October 26, 2010