

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ERNEST FLAGG, as Next Friend  
of JONATHAN BOND,

Plaintiff,

v.

Case No. 05-74253  
Hon. Gerald E. Rosen

CITY OF DETROIT, ELLA BULLY-CUMMINGS,  
CARA BEST, JOHN DOE POLICE OFFICERS,  
MIKE COX, JERRY OLIVER, KWAME KILPATRICK,  
and CHRISTINE BEATTY,

Defendants.

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**ORDER REGARDING PLAINTIFF'S  
RESPONSE TO ORDER TO SHOW CAUSE**

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on September 12, 2006

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

By order dated July 31, 2006, the Court directed Plaintiff to show cause why his claims against Defendants Cara Best and Jerry Oliver should not be dismissed for lack of prosecution. In a response filed on August 18, 2006, Plaintiff states that he does not oppose the dismissal of Jerry Oliver as a party to this action, but he requests an additional opportunity to effect service of the complaint upon Cara Best.

Having recently issued an August 31, 2006 opinion and order granting Plaintiff

leave to file an amended complaint, the Court believes that the present matter should be handled in conjunction with the forthcoming filing of this amended pleading.

Specifically, if Plaintiff wishes to pursue any claims against Cara Best, he may include the appropriate allegations in his amended complaint,<sup>1</sup> and then promptly serve a copy of the summons and amended complaint upon Defendant Best within *twenty-one (21) days* after filing his amended complaint pursuant to the Court's August 31 opinion and order. See Fed. R. Civ. P. 4(m) (authorizing the Court to "direct that service be effected within a specified time"). Absent such timely service in accordance with this order, Defendant Best will be dismissed as a party to this action.<sup>2</sup>

SO ORDERED.

s/Gerald E. Rosen  
Gerald E. Rosen  
United States District Judge

Dated: September 12, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 12, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager

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<sup>1</sup>These allegations, of course, must comport with the Court's analysis of the relevant legal standards in its recent opinion and order.

<sup>2</sup>Presumably, in light of Plaintiff's response to the Court's show cause order, Jerry Oliver will no longer be named as a Defendant in Plaintiff's forthcoming amended complaint.