

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILIP DAVIS, JR. and
JESSIE OGLETREE,

Plaintiffs,

v.

Case No. 12-15284
Honorable Patrick J. Duggan

COUNTRYWIDE HOME LOANS a/k/a
BANK OF AMERICA,

Defendant.

**ORDER SETTING ASIDE JUNE 24, 2013 SHOW CAUSE ORDER AND
EXTENDING TIME FOR SERVICE**

Plaintiffs filed this lawsuit against Defendant on November 30, 2012, by filing a form “Civil Complaint.” Concluding that Plaintiffs’ essentially blank complaint did not satisfy the pleading requirements of Federal Rule of Civil Procedure 8, the Court entered an order on January 8, 2013, directing Plaintiffs to file an amended complaint. Plaintiffs filed an amended complaint on January 22, 2013, but thereafter did not request a summons or attempt to serve Defendant. Therefore, on June 24, 2013, this Court issued an order requiring Plaintiffs to show cause why this action should not be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

In a document dated June 28, 2013, and filed July 2, 2013, Plaintiffs responded to the Court's show cause order. The response, signed apparently by both Plaintiffs, represents that Plaintiff Philip Davis, Jr. believed the Court served the summons on the defendant in a case.

Based on Plaintiffs' representation and *pro se* status, the Court finds good cause for their failure to serve Defendant.¹ Accordingly, the Court is setting aside the June 24, 2013 show cause order and extending the time for Plaintiffs to serve Defendant. Plaintiffs must serve Defendant with a summons and copy of their amended complaint, along with a copy of this order, within **thirty (30) days** of the date of this order. Plaintiffs failure to accomplish service by this deadline will result in the dismissal of this action without prejudice.

SO ORDERED.

Date: July 11, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

¹Federal Rule of Civil Procedure 4(c) indicates that a plaintiff is responsible for having the summons and complaint served, unless, at the plaintiff's request, the court orders service made by the United States Marshal. *See* Fed. R. Civ. P. 4(c). While the Court excuses Plaintiffs for their lack of familiarity with the rules in this instance, it warns Plaintiffs that, although proceeding without counsel, they are responsible for acquainting themselves with the rules, including the Court's local rules, and abiding by those rules during this litigation.

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