

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

RUBY JEAN HUMPHREY

PLAINTIFF

V.

NO. 2:12CV148-MPM-JMV

CITIBANK N.A. and CITIMORTGAGE, INC.

DEFENDANTS

ORDER

By Order [14] dated January 24, 2013, the court granted Plaintiff thirty days to effectuate service of process upon the defendants. On April 29, because there was no record that the defendants had been timely served with process, the court issued an Order [15] requiring Plaintiff to show cause why this case should not be dismissed for her failure to effectuate service of process.

In her Response [16] filed May 7, Plaintiff essentially states that on January 14 she inadvertently attempted to file an amended complaint and a summons at the clerk's office in Aberdeen. Plaintiff also states that she "served" the parties and their attorneys via certified mail the same day. Additionally, Plaintiff attaches documents which indicate that she was informed by the clerk of this court that her amended complaint could not be filed and process could not be issued until the district judge entered an order allowing the case to proceed. Plaintiff further explains that she was confused by the clerk's instructions regarding when she should respond. Also, Plaintiff has now submitted an amended complaint and a copy of a summons which have been filed as a motion for leave to amend the complaint and for issuance of process [17].

Having considered Plaintiff's response to the Show Cause Order and her recent motion, the court finds that Plaintiff has shown good cause for an extension of the deadline for service of process upon the defendants. Therefore,

IT IS ORDERED:

1. That Plaintiff's motion for leave to amend the complaint is granted, and the clerk shall forthwith file the Amended Complaint submitted by Plaintiff.

2. That Plaintiff is hereby granted an additional twenty-one (21) days from this date to have a summons properly issued and to complete service of process in accordance with Rule 4 of the Federal Rules of Civil Procedure.

3. That Plaintiff is warned that her failure to comply with this order may warrant dismissal of the complaint.

This 9th day of May, 2013.

/s/Jane M. Virden
U. S. MAGISTRATE JUDGE