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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CHRISTINE NGUYEN AND BLUE STAR, INC. D/B/A CROWN INN PLAINTIFFS

V. CIVIL ACTION NO. 1:09cv26-LTS-RHW

XL SPECIALTY INSURANCE COMPANY DEFENDANT

ORDER

On May 12, 2009, Defendant filed a [3] Motion to Dismiss for Insufficiency of Service of Process, along with an accompanying [4] memorandum in support of the motion. Plaintiffs have not filed a response to Defendant's motion, nor requested an extension of time to do so. By the Court's calculation, the time to respond has expired.

Defendant's motion is grounded on Fed. R. Civ. P. 4(m) (time limit for service of process). Uniform Local Rule 7.2(c)(2) provides: "If a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed."

Accordingly, **IT IS ORDERED**:

Plaintiffs' counsel shall file a response to Defendant's pending [3] motion no later than June 12, 2009, and must establish good cause for the failure to serve the [1] Complaint and [2] Summons in the time allowed by Fed. R. Civ. P. 4(m). Failure in either respect shall result in the dismissal of this action without prejudice. NO FURTHER EXTENSIONS SHALL BE GRANTED.

SO ORDERED this the 8th day of June, 2009.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE

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