

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Steven P. Lemay, Sr.

v.

Civil No. 08-cv-353-JL

City of Dover, et al.

ORDER OF DISMISSAL

The plaintiff, Steven Lemay, Sr., filed a pro se complaint and a motion to proceed in forma pauperis on August 27, 2008. The court granted the plaintiff's in forma pauperis request on September 2, 2008. On September 16, 2008, three defendants, Dover Middle School, Larry DeYoung, and Kathie Males, filed an answer to the complaint. By order dated January 5, 2009, the court granted plaintiff's motion to amend the complaint noting as follows: "Defendant[s] having answered this and the Complaint, the motion is granted and the 'amendment' is deemed answered."

On January 14, 2009, the clerk's office informed the plaintiff that the case was no longer under preliminary review and the following defendants should be served in accordance with Local Rule 4.1: City of Dover, Myron McMan and Melissa Stockford. The plaintiff was instructed to complete and return three enclosed summonses for the purpose of service and was further instructed to notify the court of updated contact information. To date the court has not received the completed service documents or updated contact information from the plaintiff.

In accordance with Fed. R. Civ. P. 4(m), the following defendants are dismissed without prejudice: City of Dover, Myron McMan and Melissa Stockford. Should the plaintiff fail to provide the court with updated contact information or otherwise verify receipt of this order and an intention to proceed with this action within thirty (30) days, the remaining defendants shall be dismissed without prejudice for failure to prosecute this action.

SO ORDERED.



November 5, 2009

Joseph N. Laplante
United States District Judge

cc: Steven P. Lemay, Sr.
Timothy A. Gudas, Esq.