

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JAMES SHIVE,

Plaintiff,

v.

CV 15-406 JB/WPL

AMAZON.COM INC.; EBAY, INC.;
JOHN LAVECCHIA; J&C BASEBALL
CLUBHOUSE, INC.; SEARS HOLDING
CORPORATION; UNBEATABLE
SALE.COM INC.; and WAL-MART STORES, INC.;

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME

Plaintiff James Shive filed a motion to extend time (Doc. 68) to comply with my Order dated November 2, 2016 (Doc. 65). My November 2 Order directed Shive to comply with my August 23, 2016, Order (Doc. 61), and clarified that Shive was to take the following actions, without regard to whether these actions have previously been taken: 1) serve a copy of the complaint, a summons, the order reinstating J&C Baseball Clubhouse Inc. ("J&C") (Doc. 58), the August 23 Order (Doc. 61), Judge Browning's October 31 Order (Doc. 64), and the November 2 Order (Doc. 65); and 2) file proof of service that complies with Federal Rule of Civil Procedure 4. The November 2 Order directed Shive to comply no later than December 2, 2016. Shive timely sought an extension. I granted Shive's motion and extended the deadline to January 6, 2017. (Doc. 67.) Shive again seeks an extension because J&C refused to sign for the first class, certified delivery package. (*Id.* at 2.)

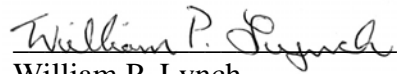
I grant Shive's motion and extend the deadline to **March 15, 2017**. To clarify, Shive will take the following actions no later than March 15, 2017. Shive is reminded that any previous

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party as they are shown on the Court's docket.

attempts at service do not qualify under this Order: that is, Shive must take new, affirmative steps to comply with this Order and to prove compliance with this Order. First, Shive will serve a copy of the complaint, a summons, the order reinstating J&C (Doc. 58), the August 23 Order (Doc. 61), Judge Browning's October 31 Order (Doc. 64), the November 2 Order (Doc. 65), and this Order on J&C no later than January 6, 2017. Again, Shive must make new, affirmative attempts at service under this Order. Second, Shive will file proof of service that complies with the Federal Rules of Civil Procedure no later than March 17, 2017. If Shive serves anyone other than the registered agent for J&C, Shive bears the burden of affirmatively establishing, with reference to the Rules, why that service is valid.

I again remind Shive that this case has been pending for well over a year. He has received multiple extensions for service. Failure to fully and timely comply with this Order will result in a recommendation to Judge Browning that this case be dismissed for want of prosecution.

It is so ordered.



William P. Lynch
United States Magistrate Judge

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