

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Benjamin McClary,

Plaintiff,

vs.

09 Civ.5215(RWS)

O R D E R

City of New York,  
Jose Ramirez,  
Jane Zucker,  
Carol McDonald.

Defendant.

X

Sweet, D.J.,

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/5/10
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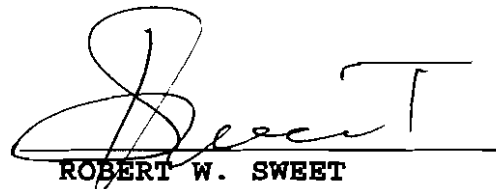
Plaintiff filed this action on June 4, 2009 but has failed to serve defendant within 120 days of filing in violation of Rule 4(m), Fed. R. Civ. P.

For failure to prosecute, the above-entitled action is hereby dismissed without prejudice.

Plaintiff is given an additional thirty (30) days to show cause why the case should be reopened.

It is so ordered.

New York, NY  
December 26, 2009

  
ROBERT W. SWEET  
U.S.D.J.