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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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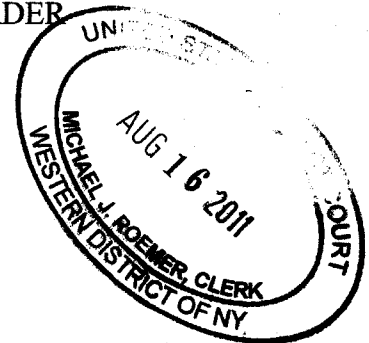
DESHAWN MILES, 75716-053,

Plaintiff,

-v-

JAMES DIEHL, PETER KINGSBURY, PARTY  
THAT HIT THE VAN, and THEIR INSURANCE  
COMPANY,Defendants.

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DECISION AND ORDER  
10-CV-6598Fe

Plaintiff Deshawn Miles filed the complaint in this action on October 22, 2010. On December 29, 2010, the Court granted plaintiff's request to proceed *in forma pauperis* and granted leave to file an amended complaint (Docket No. 3). The plaintiff did not file an amended complaint and on March 9, 2011, the Court directed service on two of the remaining defendants once their names were provided by the Attorney General's Office (Docket No. 4). The Attorney General's Office provided the requested information (Docket No. 5), and on March 30, 2011, the Clerk of the Court mailed plaintiff the U.S. Marshal Process Receipt and Return forms and a notice of plaintiff's obligations under Fed.R.Civ.P. 4(m) to effectuate service on the two named defendants. Plaintiff has now failed to return the U.S. Marshal Process Receipt and Return forms or otherwise effect service on the two named defendants.

Accordingly, pursuant to Fed.R.Civ.P. 4(m) notice is hereby given that unless the plaintiff shows good cause, in writing, not later than September 20, 2011 for failure to effect service of process within the time limits specified by the Federal Rules of Civil Procedure, **this action will be dismissed without prejudice.**

Further, the Clerk of the Court is directed to revise the caption in this action to conform to this Order.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

DATED: August 15, 2011  
Rochester, New York