Swain v. Astrue Doc. 8

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION

CIVIL CASE NO. 1:09cv333

JEFFREY SWAIN,	
Plaintiff,	
VS.	<u>ORDER</u>
MICHAEL J. ASTRUE, Commissioner of Social Security,	
Defendant.))

THIS MATTER is before the Court on Plaintiff's Statement of Good Cause for Failure to Provide Proof of Service [Doc. 7]. It is a timely response to this Court's Order to Show Cause under Rule 4(m). [Doc. 6].

Upon careful consideration of the reasons stated therein, the Court deems that Plaintiff has shown cause for his failure to serve Defendant. So long as Plaintiff shall submit the requisite three summonses through Cyberclerk by January 22, 2009, this action shall not be dismissed pursuant to Rule 4(m).

IT IS, THEREFORE, ORDERED that:

- Plaintiff is granted an extension of time to submit the requisite three summonses through Cyberclerk and shall do so on or before by January 22, 2009.
- The Clerk of Court is instructed to prepare process and deliver the same to the United States Marshal for service; and
- The United States Marshal shall serve process upon the Defendant at the expense of the United States Government.

IT IS SO ORDERED.

Signed: January 11, 2010

Martin Reidinger United States District Judge