

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:15-CV-00044-MR-DSC**

TODD W. SHORT,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF NORTH CAROLINA, et. al.,)
)
 Defendants.)

ORDER

THIS MATTER is before the Court on Defendants Marianne E. Redmond and Sandra Layton’s “Motion for Clarification...” (document #53), pro se Plaintiff’s “Response to Motion for Clarification, Motion for Order Vacating Alleged Service of Process, inter alia, and Plaintiff’s Motion to Agree to Extension of Time to Respond and Motion to Withdraw Service of Process on Defendants Layton and Redmond, as to the Original Complaint” (documents #57 and #58), “Plaintiff’s Motion for Extension of Time to Serve Process on Defendants” (document #59) and Plaintiff’s “Motion to Stay Proceedings” (document #62).

Having conferred with District Judge Martin Reidinger’s chambers, the Court finds that Plaintiff has failed to file his Second Amended Complaint within the time allowed by the Court. Therefore, Plaintiff’s “Verified Amended Complaint” (document #21) filed on April 22, 2015 is the operative pleading in this case. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the Court will allow Plaintiff 120 days from April 22, 2015 to serve Defendants with the Verified Amended Complaint. The Court warns Plaintiff that any Defendants who are not properly served by the extended deadline of August 20, 2015 will be subject to dismissal pursuant to Rule 4(m).

NOW THEREFORE, IT IS ORDERED:

1. Defendants Marianne E. Redmond and Sandra Layton's "Motion for Clarification..." (document #53) is **GRANTED** to the extent that the Verified Amended Complaint is now the operative pleading before the Court and Plaintiff shall have until August 20, 2015 to serve the Verified Amended Complaint on Defendants.
2. Plaintiff's "Response to Motion for Clarification, Motion for Order Vacating Alleged Service of Process, inter alia, and Plaintiff's Motion to Agree to Extension of Time to Respond and Motion to Withdraw Service of Process on Defendants Layton and Redmond, as to the Original Complaint" (documents #57 and #58), is **DENIED AS MOOT**.
3. "Plaintiff's Motion for Extension of Time to Serve Process on Defendants" (document #59) is **GRANTED**. Plaintiff shall have up to and including August 20, 2015 to serve Defendants with the Verified Amended Complaint.
4. Plaintiff's "Motion to Stay Proceedings" (document #62) is **DENIED**.
5. The Clerk is directed to send copies of this Order to pro se Plaintiff; to defense counsel; and to the Honorable Martin Reidinger.

SO ORDERED.

Signed: July 14, 2015



David S. Cayer
United States Magistrate Judge

