

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16-cv-106-FDW**

**DEREK SHANE GOODSON,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **LT. FNU SHARP, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on its own motion following Plaintiff's failure to submit a summons form to the Court for service on Defendant Edward Cable by the U.S. Marshal. See (Doc. Entry dated Oct. 21, 2016). All other Defendants in this matter have been served, and the parties are engaged in discovery pursuant to this Court's scheduling order. (Doc. No. 25).

**IT IS THEREFORE ORDERED** that, within 20 days from service of this Order, Plaintiff must submit to the Court a completed summons form for Defendant Cable. In accordance with this Order, the Court respectfully instructs the Clerk to mail Plaintiff a summons form for Plaintiff to fill out and return to the Court for service by the U.S. Marshal. If Plaintiff does not fill out and return a summons form for Defendant Cable, the Court will assume Plaintiff does not intend to prosecute this action against Defendant Cable.

Plaintiff is **hereby warned** that his failure to submit a completed summons form for Defendant Cable within 20 days will result in dismissal of Defendant Cable without prejudice for failure to comply with an Order of this Court and for failure to prosecute.

Signed: January 4, 2017

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Frank D. Whitney  
Chief United States District Judge

