

**DISTRICT COURT OF THE UNITED STATES  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-595-FDW**


**LOWELL MASON VARNEY,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **FNU MULLISK, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on a periodic status review of this action brought by pro se Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 23, 2013, and on June 11, 2014, this Court conducted an initial review. (Doc. No. 15). As a result, all Defendants were terminated except for Defendant Bennett. On June 11, 2014, the Court mailed to Plaintiff a summons to be completed and returned for service. The docket report does not indicate that Plaintiff has returned a summons as to Defendant Bennett so that the U.S. Marshal can effectuate service.

**IT IS, THEREFORE, ORDERED** that, within twenty days of service of this Order, Plaintiff shall notify this Court why he has not returned a summons to the Court so that service can be effectuated on Defendant Bennett. If Plaintiff fails to respond to this Order in a timely manner, the Court may dismiss this action without prejudice and without further notice based on Plaintiff's failure to prosecute this action.

Signed on: January 21, 2015

  
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Frank D. Whitney  
Chief United States District Judge 