

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-293-FDW**

TERRELL BATTLE,)
)
 Plaintiff,)
)
 vs.)
)
 FRANK PERRY, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Extension of Time for Service of Process, (Doc. No. 15), in which Plaintiff contends that he never received a prior order from this Court requiring Plaintiff to submit summons forms for service on Defendants, or else face dismissal. On January 12, 2017, the Court entered an order dismissing the case without prejudice based on Plaintiff’s failure to comply with the Court’s prior order. (Doc. No. 13).

Based on Plaintiff’s contentions in his current motion that he never received the Court’s prior order, and because it does appear that Plaintiff was transferred to a different institution soon after the order was mailed to him, this Court will grant Plaintiff an additional 20 days to return summons forms for service on Defendants. Only if Plaintiff returns the summons forms within the deadline will this Court withdraw its prior order of dismissal and allow the case to proceed.


IT IS, THEREFORE, ORDERED that:

- (1) The Clerk is requested to mail summons forms to Plaintiff to fill out and return for service on the remaining Defendants by the U.S. Marshal.
- (2) Plaintiff shall have an additional 20 days from service of this Order to return the

summons forms to this Court for service on Defendants.

- (3) The Clerk of this Court is requested to mail this Order to Plaintiff via certified mail, return receipt requested, and to notice on the docket when the return receipt is received by the Court.

Signed: February 8, 2017



Frank D. Whitney
Chief United States District Judge

