

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

PIERO BUGONI,

Plaintiff,

vs.

Civil Action 2:10-CV-1173
Judge Sargus
Magistrate Judge King

C & M TOWING, INC., et al.,

Defendants.

ORDER

Defendants filed a motion to dismiss for lack of jurisdiction and for insufficient service of process, Doc. No. 8, to which plaintiff, who is proceeding without the assistance of counsel, has not responded. The Court granted plaintiff an additional fourteen (14) days to respond. *Order*, Doc. No. 9. This matter is now before the Court on plaintiff's motion for a continuance of his response date and to require defendants to serve a copy of the motion to dismiss by certified mail. Doc. No. 10.

In his motion, plaintiff represents that he did not receive a copy of the motion to dismiss. The Court notes that the *Certificate of Service* reflected on the motion to dismiss contains the wrong zip code for plaintiff.¹

Plaintiff's motion, Doc. No. 10, is **GRANTED** in part. Defendants are **ORDERED** to serve another copy of the motion to dismiss on plaintiff at his correct address, and to certify on the record that it has done so. However, the Court will not require defendant to serve the filing by certified mail. See Fed. R. Civ. P. 5(b)(2)(c).

Plaintiff may have twenty-one (21) days after service of the motion to file a response to the motion. Plaintiff is reminded that his failure to respond may result in the grant of the motion.

¹Plaintiff's address appears to be 160 W. Camino Real, #191, Boca Raton, FL 33432.

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge

April 18, 2011
(Date)