

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

KENNETH S. HARTZELL,

Plaintiff,

Case No. 3:17-cv-63

vs.

MIAMI COUNTY INCARCERATION
FACILITY,

Defendant.

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

**ORDER DIRECTING *PRO SE* PLAINTIFF TO SHOW CAUSE, IN WRITING AND
WITHIN 14 DAYS, AS TO WHY THIS CASE SHOULD NOT BE DISMISSED**

On June 17, 2017, the undersigned issued an Order in this *pro se* civil case notifying Plaintiff that his first amended complaint (doc. 3) is subject to being stricken because it fails to comply with the requirements of Federal Rules 8 and 10. Doc. 12. As a result, the undersigned, *sua sponte*, granted Plaintiff leave to file a second amended complaint curing these deficiencies on or before July 7, 2017. *Id.* *Pro se* Plaintiff failed to do so, even though the Court -- in the interest of justice -- afforded him more than an additional 30 days to file his amended pleading. Accordingly, the undersigned **ORDERS** Plaintiff to **SHOW CAUSE**, in writing and within **14 days** from the entry of this Order, as to why this case should not be dismissed for failure to comply with the requirements of Federal Rules 8 and 10.

In addition, pursuant to Federal Rule 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the [C]ourt -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4. Here, the docket reflects that no Defendant has been

served and that the time period within which to do so has expired. Accordingly, Plaintiff is **ORDERED** to show cause, in writing and within **14 days** of the entry date of this Order, as to why this case should not be dismissed for his failure to timely serve Defendants.

IT IS SO ORDERED.

Date: August 15, 2017

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge