

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DENNIS HAUGH,)
Plaintiff,)
)
v.) Civil Action No. 08-279
)
GLASSPORT BOROUGH, ET AL.,)
Defendants.)

MEMORANDUM ORDER

The record in this case reflects that complaint in this civil action was filed by plaintiff on February 25, 2008. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of a summons and complaint is to be effectuated upon all named defendants within 120 days of the filing of the complaint, with proof of same being filed with the court. None was filed and on August 4, 2008, a show cause order was issued to plaintiff, requesting that cause be shown by August 18, 2008 why this action should not be dismissed for failure to prosecute. On August 15, 2008, plaintiff submitted a letter, which the Court construed as a motion for an extension of time to perfect service on the defendants [document #4]. That motion was granted and plaintiff was allowed until September 5, 2008 to make service on the defendants and file proof of same with the Clerk. As of the date of this order, return of service, nor substantive response to the our show cause order has been filed by plaintiff. Thus it appears to the Court that plaintiff has abandoned this action.

Therefore, under the circumstances, and pursuant to Fed.R.Civ.P. 41(b), we will exercise our inherent power to dismiss the case due to the inaction of the party seeking relief. See Link v. Wabash Railroad Co., 370 U.S. 626 (1961).

Accordingly, this 11th day of September, 2008, IT IS HEREBY ORDERED that the instant case is dismissed.

BY THE COURT:


_____ J.

cc: Dennis Haugh
Washington Co. Correctional Facility
100 West Cherry Avenue
Washington, PA 15301

Dennis Haugh
105 Beverly Lane
Elizabeth, PA 15037