

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SYLVESTER BUTLER, et al.,

Plaintiffs,

vs.

Case No. 3:04-cv-917-J-32MMH

JAMES V. CROSBY, JR., et al.,

Defendants.

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ORDER

THIS CAUSE is before the Court on Plaintiffs' Stipulated Motion, with Rule 3.01(g) Certification, to Enlarge Time to Personally Serve Defendants Anderson, Ellis, Lampp, Musselman, Redd, Tricocci, Whitehurst and Allow Amendment of the Summons for these Defendants (Doc. No. 57; Motion) filed on January 27, 2005. In the Motion, Plaintiffs seek a thirty (30) day extension of time in which to serve Defendants Tony Anderson, Wilfred Dean Ellis, Kenneth Lampp, Keith Musselman, Mark Redd, Steven Tricocci and Wendell Whitehurst. See Motion at 1. In addition, Plaintiffs seek an order from the Court allowing the summonses for these Defendants to be amended. See id. According to the Motion, these Defendants were served by substitute service and they now intend to file motions to quash that service. See id. at 2-5. Finally, Plaintiffs represent to the Court that Defendants' counsel does not object to the relief requested in the Motion. See id. at 7.

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure (Rule(s)), a court may allow additional time for service of process when a plaintiff shows "good cause"

for failing to serve a defendant within the 120 day time frame. See Rule 4(m). In this case, the Court finds that Plaintiffs have shown good cause and that they should be granted an extension of time to reserve these Defendants. Accordingly, it is

ORDERED:

1. Plaintiffs' Stipulated Motion, with Rule 3.01(g) Certification, to Enlarge Time to Personally Serve Defendants Anderson, Ellis, Lampp, Musselman, Redd, Tricocci, Whitehurst and Allow Amendment of the Summons for these Defendants (Doc. No. 57) is **GRANTED**.

2. Plaintiffs are directed to submit properly completed alias summonses for these Defendants to the Clerk's Office and the Clerk of the Court is directed to issue the alias summonses.

3. Plaintiffs shall have until **February 28, 2005** within which to personally effect service of process upon Defendants Anderson, Ellis, Lampp, Musselman, Redd, Tricocci and Whitehurst.

DONE AND ORDERED at Jacksonville, Florida on January 28, 2005.


MARCIA MORALES HOWARD
United States Magistrate Judge

Copies to:

Counsel of Record
Pro Se Parties