

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

AF HOLDINGS LLC,

Case No. 12-22146-CIV-ALTONAGA/Simonton

Plaintiff,

vs.

NIGEL SOOKDEO,

Defendant.
_____ /

AF HOLDINGS LLC,

Case No. 12-22150-CIV-ALTONAGA/Simonton

Plaintiff,

vs.

DAVID M. LA DREW,

Defendant.
_____ /

AF HOLDINGS LLC,

Case No. 12-22155-CIV-ALTONGA/Simonton

Plaintiff,

vs.

JAVIER UBIETA,

Defendant.
_____ /

ORDER


By Orders dated July 24, 2012 [ECF Nos. 6], entered in each of the foregoing cases the undersigned informed Plaintiff, AF Holdings LLC that it had until October 8, 2012 to perfect service on the Defendants or show cause why each case should not be dismissed for failure to perfect service. The Orders warned Plaintiff that the failure to file proofs of service or show

Case Nos. 12-cv-22146-CMA, 12-cv-22150-CMA, 12-cv-22155-CMA

good cause by October 8 would result in orders of dismissal without prejudice. Incredibly, on October 8, 2012, rather than comply with the clear language of the Orders, Plaintiff filed nearly identical Responses ([ECF No. 9] in 12-cv-22146; [ECF No. 10] in 12-cv-22150; [ECF No. 9] in 12-cv-22155), explaining it filed amended complaints and stating it will serve the three Defendants in the next 30 days. Plaintiff does not explain or offer any reason why the Court should extend the 120-day deadline Plaintiff was reminded of by the July 24 Orders. *See, e.g., Whitehead v. Payless Shoe Source, Inc.*, No. H-07-2066, 2007 WL 3284019, at *1 (S.D. Tex. Nov. 6, 2007) (“[F]iling an amended complaint generally will not toll the 120-day limit for service.”) (citation omitted). Plaintiff’s unilateral decision to file amended complaints, while advising the Court it will take another 30 days to effectuate service, does not amount to the necessary good cause envisioned by Federal Rule of Civil Procedure 4(m). *See, e.g.,* FED. R. Civ. P. 4(m) advisory committee’s note (1993 amendments) (stating examples of good cause). Accordingly, it is

ORDERED AND ADJUDGED that Cases 12-cv-22146, 12-cv-22150, and 12-cv-22155, are **DISMISSED** without prejudice.

DONE AND ORDERED in Miami, Florida, this 9th day of October, 2012.


CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record