

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

NU IMAGE, INC.,

Plaintiff,

V.

Case No: 2:11-CV-545-FtM-29SPC

JOHN DOES 1-3,932,

Defendants.

ORDER

This matter comes before the Court on Plaintiff's Motion for Extension of Time to Name and Serve Defendants (Doc. #274) filed on July 16, 2012. Plaintiff requests an additional 120 days to name and serve the John Doe Defendants. Plaintiff's Motion correctly points out that "issues have arisen regarding the sufficiency of the Complaint in the area of alleging personal jurisdiction with respect to the doe defendants in this matter." (Doc. #274, p. 5). This Court has previously found that the current operative Complaint (Doc. #1) insufficiently pleads personal jurisdiction over the Defendants under the Florida long-arm statute and the Due Process Clause. (Docs. #244, 270). Therefore, the instant request for Plaintiff to extend time to name and serve the Defendants with the operative Complaint (Doc. #1) is due to be denied without prejudice. Plaintiff may file an amended complaint or a notice of voluntary dismissal, but a request for extension of time to serve a Complaint that this Court has determined insufficiently pleads personal jurisdiction is not well taken. As the Honorable John E. Steele recently indicated, "no jurisdiction currently exists as to any Defendant and no future subpoenas can be upheld under the current Complaint." (Doc. #270).

Accordingly, it is now

ORDERED:

Plaintiff's Motion for Extension of Time to Name and Serve Defendants (Doc. #274) is **DENIED without prejudice** for Plaintiff to either file a notice of voluntary dismissal or an amended complaint.

DONE and ORDERED in Fort Myers, Florida this 18th day of July, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record