

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

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No:5:12-CV-159-Oc-34PRL

JOHN 1-21 DOES and JOHN DOE- 13

Defendants.

ORDER

Pending before the Court is Plaintiff's First Motion for Extension of Time Within Which it has to Effectuate Service on Doe Defendants. (Doc. 15). Pursuant to Rule 4(m), Fed.R.Civ.P., service of the summons and complaint must be made within 120 days after filing the complaint. However, the Court has discretion to extend the time for service. See Rule 4(m), Fed.R.Civ.P.; Horenkamp v. Van Winkle and Co., Inc., 402 F.3d 1129, 1132-33 (11th Cir. 2005)(holding that court may extend the time for service of process under Rule 4(m) even in the absence of a showing of good cause).

The Court previously granted Plaintiff leave to serve third party subpoenas on the John Doe Defendants' ISPs. Plaintiff represents that it has obtained all of the identities of the John Doe Defendants, except for John Doe 13, who filed a Motion to Sever and Dismiss and/or Issue a Protective Order (Doc. 9). Because the ISP will not produce the identity of John Doe 13 until after his Motion has been ruled upon, Plaintiff requests that the deadline to effectuate service of process be extended until thirty (30) days after the Court rules on John Doe 13's Motion.

Upon due consideration, Plaintiff's First Motion for Extension of Time Within Which it has to Effectuate Service on Doe Defendants. (Doc. 15) is **GRANTED**. Plaintiff shall serve Jon Doe 13 within thirty (30) days after the Court rules on his Motion to Sever and Dismiss and/or Issue a Protective Order (Doc. 9).

DONE and **ORDERED** in Ocala, Florida on July 30, 2012.



PHILIP R. LAMMENS

United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties