

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSE GONZALEZ

v.

THERESA LANTZ, et al.¹

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PRISONER CASE NO.
3:03-cv-2264 (SRU) (WIG)

Order

On July 20, 2005, the court granted defendant Lantz's motion to dismiss and dismissed all claims against defendant Lantz except the claims under the Americans With Disabilities Act and the Rehabilitation Act. The court permitted the plaintiff leave to file an amended complaint to identify the John Doe and Jane Doe defendants within thirty days of the court's order. The court cautioned the plaintiff that if he failed to file an amended complaint, the action would proceed only as to the Americans With Disabilities Act and Rehabilitation Act claims against Commissioner Lantz and the claims against the John and Jane Doe defendants would be dismissed pursuant to Rule 4(m), Fed. R. Civ. P. The plaintiff has not filed an amended complaint.

Federal Rule of Civil Procedure 4(m) states that "if service of the summons and complaint is not made upon the defendants within 120 days after the filing of the complaint, the court . . . upon its own initiative after notice to the plaintiff, shall dismiss the case without

¹The named defendants are Commissioner of Correction Theresa Lantz, John Doe, M.D. and Jane Doe, R.N.

prejudice" In the instant case, the 120 day period provided for service has elapsed and the plaintiff has not filed an amended complaint identifying the John and Jane Doe defendants. Accordingly, pursuant to Fed. R. Civ. P. 4(m), the case is DISMISSED without prejudice as to defendants John and Jane Doe. The case will proceed as to the Americans With Disabilities Act and Rehabilitation Act claims against Commissioner Lantz.

SO ORDERED this 2nd day of September, 2005, at Bridgeport, Connecticut.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge