

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

FREDA W. SMITH

Plaintiff,

v.

ABILITY BEYOND DISABILITY,

Defendant.

3:09-cv-1458 (CSH)

NOTICE

Rule 41(a) of the Local Rules of this District provides:

In civil actions in which no action has been taken by the parties for six (6) months or in which deadlines established by the Court pursuant to Rule 16 appear not to have been met, the Clerk shall give notice of proposed dismissal to counsel of record and pro se parties, if any. If such notice has been given and no action has been taken in the action in the meantime and no satisfactory explanation is submitted to the Court within twenty (20) days thereafter, the Clerk shall enter an order of dismissal. Any such order entered by the Clerk under this Rule may be suspended, altered or rescinded by the Court for cause shown.

The case above is subject to being dismissed under this rule. Specifically, USM 285 forms together with Summons/Notice of Lawsuit/Request for Waiver of Service of Summons and instructions were mailed to the *in forma pauperis, pro se* Plaintiff on September 21, 2009 to complete and return to Clerk's office, so that the United States Marshal's Service could make service of the Complaint upon Defendant. Plaintiff has failed to return the forms, and therefore Defendant has never been served. This case shall be dismissed on **April 27, 2010** unless the USM 285 forms are returned to the Clerk's office by that date, or unless a satisfactory written explanation of why the case should not be dismissed is filed with the Clerk of the Court by that

date.

SO ORDERED.

Dated: New Haven, Connecticut

April 6, 2010

/s/ Charles S. Haight, Jr. _____
Charles S. Haight, Jr.
Senior United States District Judge