

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 07-22951 -CIV-HUCK-SIMONTON

GEORGE R. SIMPSON,

Plaintiff,

v.

RANDALL JAMES HAMILTON ZWINGE,
aka JAMES RANDI, JAMES RANDI
EDUCATIONAL FOUNDATION,

Defendants.

ORDER OF INSTRUCTIONS TO *PRO SE* LITIGANT

THIS MATTER is before the Court upon *sua sponte* review of the record. *Pro se* litigants, like all litigants, must comply with the rules of civil procedure and the Court's orders. It is therefore

ORDERED that the *pro se* litigant shall comply with all Federal Rules of Civil Procedure and Local Rules for the Southern District of Florida. The Local Rules can be obtained from the Clerk of the Court. Failure to comply with the federal and local rules may result in sanctions being imposed against the *pro se* litigant. Some of the requirements of these rules are as follows:

1. Every pleading, motion, memorandum or other paper required and/or permitted to be filed with the Court must be filed directly to the Clerk of the Court. No letters, pleadings, motions or other documents may be sent directly to the District Judge or Magistrate Judge's chambers. Any papers improperly submitted directly to chambers will be returned and disregarded by the Court.

2. All papers filed must include the case style, case number, and appropriate title in the format required by the Local Rules. *See* Sample Form Following Local Rule 5.1. The signature block of each pleading must also contain the *pro se* litigant's name, address, telephone number, and telephone number for receiving orders by facsimile, if available. All motions must comply with Local Rule 7.1, and be accompanied by proposed orders.

3. All papers filed with the Clerk of Court must also be served on the opposing counsel, or the opposing side if the opposing side is not represented by counsel. Each filing must include a certificate of service indicating the name and address of the attorney served.

4. Litigants must promptly notify the Court of any change in address or telephone number by filing a Notice of Change of Address, which also must be served on opposing counsel. Failure to promptly notify the Court of any change in address may result in dismissal of the case for lack of prosecution.

5. Motions to Dismiss and Motions for Summary Judgment are dispositive motions which, if granted, could resolve the case in its entirety. A *pro se* litigant who wishes to oppose these motions must respond in writing within the time periods provided by the rules of procedure.

6. Any litigant and his or her family, friends, or acquaintances may not call the Judge's chambers for legal advice about the case. Brief case status information contained on the docket sheet may be available from the Clerk of Court.

7. A *pro se* plaintiff bears responsibility for actively pursuing his or her case and must obtain any essential discovery, file all necessary pleadings and motions, comply with all scheduling orders, and prepare the case for trial. This responsibility includes promptly effecting service of process upon each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure and Local Rule 41.1. Rule 4(m) of the Federal Rules of Civil Procedure provides that “[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time” In addition, Local Rule 41.1 provides that “[c]ivil actions not at issue which have been pending without any proceedings having been taken therein for more than three months may be dismissed for want of prosecution by the Court on its own motion after notice to counsel of record.” If a *pro se* plaintiff cannot serve the complaint on a defendant due to lack of information, the case will be dismissed with respect to that defendant.

DONE AND ORDERED in Chambers, Miami, Florida, this 16th day of November, 2007.



Paul C. Huck
United States District Judge

Copies furnished to:
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