

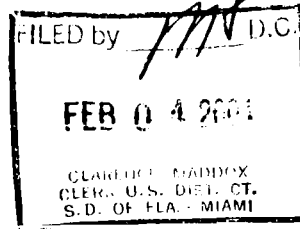
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 03-22328-CIV-MOORE  
Magistrate Judge O'Sullivan

MICHAEL J. ZWEBNER,  
Plaintiff,

vs.

JOHN DOES, alias "Tobias 95," et al.,  
Defendants.



ORDER

**CLOSED  
CIVIL  
CASE**

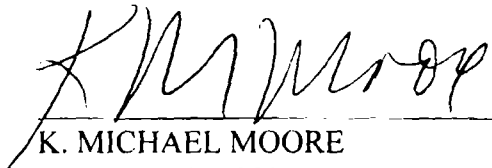
THIS CAUSE came before the Court upon Plaintiff's Motion for Further Enlargement of Time (filed Feb. 2, 2004). On December 23, 2003, this Court entered an order (DE #13) enlarging the time in which the parties shall file their joint scheduling report, as originally required by the Court's pretrial order (DE #2), to February 2, 2004. Plaintiff now asserts that more time is necessary to discover the identities of the "John Doe" defendants and that the failure of third parties to respond to subpoenas issued by Plaintiff is the cause of his inability to comply with the Court's orders. However, a review of the record reflects that it is Plaintiff's failure to adhere to the Federal Rules of Civil Procedure that has caused delays. Accordingly,

Plaintiff's Motion for Further Enlargement of Time (filed Feb. 2, 2004) is DENIED. Due to Plaintiff's failure to comply with the pretrial order, which cautioned, "**[f]ailure . . . to file a joint scheduling report may result in dismissal, default, and the imposition of other sanctions including attorney's fees and costs,**" this action is DISMISSED without prejudice. This case is CLOSED. All pending motions not otherwise ruled upon are DENIED AS MOOT. It is further

ORDERED that the **CLERK OF COURT** shall change Plaintiff's address listed on the docket to correspond with his Notice of Change of Address (DE #26) (the address is correctly listed on this Order's service list below).

A handwritten signature in black ink, appearing to be "B. J. O'Sullivan".

DONE AND ORDERED in Chambers at Miami, Florida, this 3<sup>rd</sup> day of February, 2004.

  
K. MICHAEL MOORE  
UNITED STATES DISTRICT JUDGE

cc: United States Magistrate Judge John J. O'Sullivan  
Michael J. Zwebner, 407 Lincoln Road, Ste. 12F,  
Miami Beach, FL 33129-3028