

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOHN DOE,

Plaintiff,

v.

**THE UNITED STATES AIR FORCE,
et al.,**

Defendants.

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Case No.: 2:07-cv-00842-RDP

ORDER

_____As of the date of entry of this order, the court's docket sheet reflects that service on the Defendants - who are all officers/employees of the United States sued in their official capacities and agencies of the United States - has not been perfected in accordance with Federal Rule of Civil Procedure 4(i)(1)(A) (requiring service upon the United States to be effected by serving a copy of the summons and complaint on the office of the United States attorney for the Northern District of Alabama through one of the means of service outlined therein).¹ Federal Rule of Civil Procedure 4(m) states as follows:

If 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 on 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; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

¹ The docket sheet does indicate Plaintiff's attempt to serve Defendants in accordance with Federal Rules of Civil Procedure 4(i)(1)(B)(requiring service by registered or certified mail to the Attorney General of the United States) and 4(i)(2)(A) (requiring service by registered or certified mail to the officer, employee, agency, or corporation of the United States). Nonetheless, Plaintiff must also comply with the provision of Rule 4(i)(2)(A) which requires "serv[ice on] the United States in the manner prescribed by Rule 4(i)(1)." Fed. R. Civ. P. 4(i)(2)(A).

Fed. R. Civ. P. 4(m). The 120-day period for service has not yet expired in this case. Nonetheless, the court reminds Plaintiff of his obligation to perfect service within the requisite time frame and cautions Plaintiff that the court shall dismiss this action without prejudice if he fails to comply with Rule 4(m).

DONE and **ORDERED** this 6th day of August, 2007.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE