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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANTHONY J. BROOKS,
Plaintiff,
v.
FRANK GIACOBETTI,
Defendant.

Case No. 2:17-cv-03020-ODW(MRW)
DISMISSAL ORDER

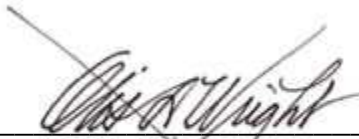
Plaintiff filed this lawsuit on April 3, 2017. (Compl., ECF No. 1.) On January 19, 2018, the Court ordered Plaintiff to serve the summons and complaint on Defendant Frank Giacobetti no later than April 16, 2018. (ECF No. 16.) On February 7, 2018, Plaintiff mailed the Summons to the Court, but this submission was rejected pursuant to Local Rule 83-2.5, which prohibits parties from communicating to the Judge regarding a pending matter unless opposing counsel is present. (ECF No. 17.)

Under Rule 4(m), if a plaintiff fails to serve a defendant within 90 days after the complaint is filed, the Court “must dismiss the action without prejudice ... or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Here, the 90 day deadline for service expired on July 2, 2017. The Court extended this deadline to April 16, 2018, but Plaintiff has failed to serve the Defendant as required.

1 Therefore, this case is hereby **DISMISSED WITHOUT PREJUDICE**. The
2 Clerk of Court shall close this case.

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4 **IT IS SO ORDERED.**

5 April 18, 2018

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9 **OTIS D. WRIGHT, II**
10 **UNITED STATES DISTRICT JUDGE**

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