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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

J & J SPORTS PRODUCTIONS, INC.,)	Case No.: 1:16-cv-00607-AWI-BAM
Plaintiff,)	
v.)	ORDER GRANTING EX PARTE APPLICATION AND EXTENDING TIME FOR SERVICE
MICHAEL ANTHONY LOPEZ, et al.,)	(Doc. 8)
Defendants.)	
)	
)	
)	
)	

Before the Court is Plaintiff J & J Sports Productions, Inc.’s *Ex Parte* Application for an Order Extending Time to Complete Service. Doc. 8. Plaintiff filed its complaint against Defendants Michael Anthony Lopez, individually and d/b/a Scores Sports Café & Lounge and Score Sports Café and Lounge, an unknown business entity d/b/a Scores Sports Café & Lounge on April 29, 2016. Doc. 1. After several unsuccessful attempts at service on defendants at multiple addresses, Plaintiff now seeks an order extending the time limit for service an additional sixty (60) days.

Federal Rule of Civil Procedure 4(m) requires that service be made upon a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). If service is not made within this time, “the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *Id.* However, “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate

1 period.” *Id.* More time for service may be needed when, for example, “a defendant is difficult to
2 serve.” Fed. R. Civ. P. 4(m) advisory committee’s note to 2015 amendment.

3 Based on the declaration of Thomas P. Riley and the process server’s reports, the Court finds
4 that Plaintiff has diligently sought to serve Defendants, but has been unsuccessful. Thus, having
5 considered Plaintiff’s *ex parte* application, and good cause appearing therefor, **IT IS HEREBY**
6 **ORDERED:**

7 1. Plaintiff’s *ex parte* application for an Order Extending Time to Complete Service is
8 GRANTED; and

9 2. Pursuant to Fed. R. Civ. P. 4(m), the time for service is extended an additional sixty
10 (60) days to **September 26, 2016**. By that date, Plaintiff shall either effectuate service, file a motion
11 for service by publication, or file a notice of voluntary dismissal if service has not been made or
12 service by publication has not been requested.

13
14 IT IS SO ORDERED.

15 Dated: July 29, 2016

/s/ Barbara A. McAuliffe
16 UNITED STATES MAGISTRATE JUDGE