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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

No. C 15-04155 WHA

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 67.169.165.63,

**ORDER EXTENDING
DEADLINE TO SERVE
DEFENDANT WITH SUMMONS
AND COMPLAINT**

Defendant.

Plaintiff commenced this action on September 11, 2015. Pursuant to Rule 4(m), the deadline to effectuate service of process was January 11, 2016. On October 18, 2015 an order granted plaintiff's request to serve a third-party subpoena on defendant's Internet provider, Comcast, in order to obtain defendant's identifying information. Plaintiff received defendant's identifying information from Comcast on December 14. On January 11, plaintiff sought to extend the deadline to effectuate service by forty-five days.


Plaintiff had twenty-eight days to serve defendant from the date it received Comcast's response and offers an inadequate explanation for its failure to do so within that time period. Specifically, plaintiff avers, without any details, that it "conducted a thorough investigation of the information provided" by Comcast. Further, plaintiff notes that it must move to file under seal its amended complaint, proposed summons, and return of service before it can serve defendant, although it has not yet filed any such sealing motion or a proposed summons.

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In the Court’s judgment, four weeks following the receipt of defendant’s identifying information should be plenty enough time to effectuate service unless defendant is dodging service. Nevertheless, this order hereby extends the deadline to effectuate service to **JANUARY 29, 2016**. Going forward, plaintiff must serve the defendants in its other cases within the 120 days provided in Rule 4(m) (90 days for cases filed after the 2015 amendments to the Federal Rules of Civil Procedure took effect) or four weeks from receiving the identification from the defendant’s Internet provider.

IT IS SO ORDERED.

Dated: January 17, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE