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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 MALIBU MEDIA, LLC,

No. C 15-04159 WHA

11 Plaintiff,

12 v.

13 JOHN DOE SUBSCRIBER ASSIGNED IP  
14 ADDRESS 69.181.25.79,

**ORDER DISMISSING CASE**

15 Defendant.  
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17 Plaintiff Malibu Media, LLC, commenced this action on September 11, 2015. Pursuant  
18 to Rule 4(m), the deadline to effectuate service was January 11, 2016. On October 18, an order  
19 granted Malibu Media's request to serve a third-party subpoena on defendant's Internet  
20 provider for the purpose of acquiring defendant's identifying information. Malibu Media  
21 received the identifying information on December 14, 2015.


22 Malibu Media had twenty-eight days to effectuate service once it received defendant's  
23 identifying information. On January 6, Malibu Media sought leave to file under seal its  
24 amended complaint, proposed summons and return of service, which motion was granted on  
25 January 7. The order granting Malibu Media's sealing motion extended the deadline to  
26 effectuate service to January 15. The proposed summons issued on January 7.  
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1 On January 15, Malibu Media sought to further extend the deadline to effectuate service.  
2 An order extended the deadline to January 29. Malibu Media sought another extension,  
3 averring that its process server had made numerous attempts to serve defendant at different  
4 times of the day, to no avail. An order further extended the deadline to February 16.

5 Malibu Media has not served defendant and has made no request for an extension or  
6 otherwise shown that good cause exists to further extend the deadline. Accordingly, this case is  
7 hereby **DISMISSED** for failure to timely effectuate service. The Clerk shall please **CLOSE THE**  
8 **FILE.**

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10 **IT IS SO ORDERED.**

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12 Dated: March 1, 2016.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE