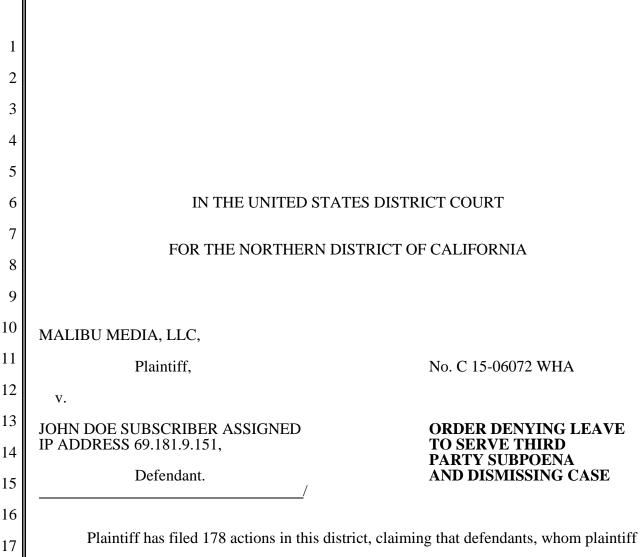
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can only identify by their IP addresses, copied and distributed plaintiff's pornographic videos 18 using the BitTorrent protocol. In the interest of judicial efficiency, all of plaintiff's actions in 19 this district were assigned to the undersigned judge. 20

Generally, in order to discover each defendant's identifying information (and thereafter to effect service), plaintiff must subpoen the defendant's Internet service provider, for which it must seek leave. Once leave is granted and the subpoena is served, the Internet provider generally responds within six to eight weeks. 24

Plaintiff's counsel became overwhelmed with the limited time remaining to serve 25 defendants before the deadline set forth in Rule 4(m) after receiving the Internet service 26 provider's response and proposed a streamlined procedure for the service of process, which 27 extended the deadline to effectuate service to thirty-five days after plaintiff received each 28

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defendant's identifying information from the Internet service provider. An order detailing that procedure was filed in this case (Dkt. No. 6).

Plaintiff commenced this action on December 27, 2015. Pursuant to Rule 4(m), the deadline to effectuate service was March 28, 2016. Plaintiff filed its motion for leave to file a subpoena on defendant's Internet service provider on March 28, meaning it would be impossible to serve the defendant before the Rule 4(m) deadline. Plaintiff offered no explanation for its delay in bringing this motion.

8 Plaintiff knew the Rule 4(m) deadline from the outset of the case. (Plainly, its decision to file this motion at the deadline was no accident.) Plaintiff will not be allowed to automatically extend the deadline to effectuate service indefinitely by seeking leave to serve a third party subpoena at the last possible minute. Counsel should have acted promptly and diligently, and going forward, plaintiff must seek leave to serve such subpoenas within the first 13 thirty days after a case is filed.

Plaintiff's instant motion for leave to serve a third party subpoena is **DENIED** and this case is hereby **DISMISSED** for lack of prosecution. The Clerk shall please **CLOSE THE FILE**.

IT IS SO ORDERED.

19 Dated: April 4, 2016.

WILLIAM ALSUP **UNITED STATES DISTRICT JUDGE**

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