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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 PAMELA T. JOHNSON,

12 Plaintiff,

13 v.

14 SHERIFF WILLIAM DAVID  
15 GORE

16 Defendant.

Case No.: 17cv588-WQH-MDD

**ORDER**

17 HAYES, Judge:

18 On January 18, 2019, the Court issued an Order determining that Plaintiff had failed  
19 to provide sufficient proof of service pursuant to Federal Rule of Civil Procedure 4(e).  
20 (ECF No. 21). The Order further states:

21 Pursuant to Federal Rule of Civil Procedure 4(m), the Court will allow  
22 Plaintiff sixty (60) days from date of this order to file either (1) proof that  
23 service of the summons and complaint was timely effectuated or (2) a  
24 declaration under penalty of perjury showing good cause for failure to timely  
25 effect service upon the Defendant accompanied by a motion for leave to serve  
process outside of the 90-day period. If no cause is shown, the Court will  
dismiss this case without prejudice.

26 *Id.*

1 On January 31, 2018, Plaintiff filed a motion for leave to serve process outside of  
2 the 90-day period. (ECF No. 23). Plaintiff states that she has good cause for the motion  
3 because she is “a pro se litigant who is not an attorney” and has “limited knowledge of the  
4 law and the court system.” *Id.* Plaintiff requests the opportunity to comply with Federal  
5 Rule of Civil Procedure 4(e) through service by mail. *Id.*

6 Pursuant to Rule 4(m),

7 If a defendant is not served within 90 days after the complaint is filed, the  
8 court--on motion or on its own after notice to the plaintiff--must dismiss the  
9 action without prejudice against that defendant or order that service be made  
10 within a specified time. But if the plaintiff shows good cause for the failure,  
the court must extend the time for service for an appropriate period.

11 Fed. R. Civ. P. 4. The Court concludes that Plaintiff has demonstrated good cause for  
12 failure to serve Defendant within the 90-day period. Accordingly, the Court will allow  
13 Plaintiff an extension of time to effectuate service.

14 IT IS HEREBY ORDERD that Plaintiff’s motion for leave to serve process outside  
15 the 90-day period is GRANTED. (ECF No. 23). Plaintiff shall, within sixty days of the  
16 date this Order is issued, file proof that service of the summons and complaint has been  
17 effectuated. If Plaintiff fails to file proof of service within this time period, the Court will  
18 dismiss this case without prejudice.

19 Dated: February 7, 2018

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21 Hon. William Q. Hayes  
22 United States District Court  
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