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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 DAVID JOHN THISTLE,
12 Plaintiff,
13 v.
14 JOSEPH ROBINETTE BIDEN, JR.,
15 President of the United States, and
16 MERRICK BRIAN GARLAND, United
17 States Attorney General,
18 Defendants.

Case No.: 22-CV-65-RSH-NLS

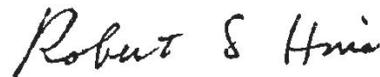
**ORDER EXTENDING DEADLINE
FOR PLAINTIFF TO EFFECTUATE
SERVICE**

19 Plaintiff filed the Complaint on January 18, 2022, ECF No. 1, but he has failed to
20 properly serve Defendants. To serve United States officers or employees in their official
21 capacity, Plaintiff “must serve the United States and also send a copy of the summons
22 and of the complaint by registered or certified mail to the agency, corporation, officer, or
23 employee.” Fed. R. Civ. P. 4(i)(2); *see also id.* 4(i)(1) (describing method of serving
24 United States). On March 10, 2022, Plaintiff mailed copies of the summons and
25 Complaint to the U.S. Attorney’s Office—not the Attorney General’s office—in
26 Washington, DC, ECF No. 6 at 3, and President Biden at the White House, ECF No. 7 at
27 3, via first-class mail. Plaintiff has failed to serve the United States in the manner
28 prescribed by Federal Rule of Civil Procedure 4(i)(1). Additionally, with respect to

1 Defendant Merrick Brian Garland, Plaintiff delivered the Complaint and summons to the
2 incorrect office. Plaintiff has therefore failed to properly serve Defendants within 90 days
3 of the filing of the Complaint, in violation of Federal Rule of Civil Procedure 4(m). If a
4 complaint is not served within 90 days, the Court may “order that service be made within
5 a specified time,” and if there is “good cause for the failure, the court must extend the
6 time for service for an appropriate period.” Fed. R. Civ. P. 4(m). Here, Plaintiff at least
7 attempted to properly serve Defendants. Additionally, *pro se* litigants are entitled to
8 leniency with respect to technical procedural matters. *See Draper v. Coombs*, 792 F.2d
9 915, 924 (9th Cir. 1986) (“[P]laintiff represented himself and therefore, in evaluating his
10 compliance with the technical rules of civil procedure, we treat him with great
11 leniency.”). The Court thereby **ORDERS** that Plaintiff shall have an additional sixty (60)
12 days after the date of this Order to properly effectuate service of the summons and
13 Complaint. If Plaintiff fails to properly serve the Complaint by that time, the Court may
14 dismiss this action for failure to prosecute.

15 **IT IS SO ORDERED.**

16 Dated: August 1, 2022



Hon. Robert S. Huie
United States District Judge