

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
M. NAWAZ RAJA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 16-cv-0511 (KBJ)
)	
FEDERAL DEPOSIT INSURANCE)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION AND ORDER
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
REGARDING SERVICE

On February 12, 2018, this Court issued an order that required Plaintiffs to “serve all Defendants . . . and file with the Court proof that they have effectuated service of process on all Defendants by April 13, 2018.” (Mem. Op. and Ord. Partially Adopting the Magistrate Judge’s Report and Recommendation Regarding Service (“Mem. Op.”), ECF No. 56, at 14.) Before this Court at present is Magistrate Judge Deborah Robinson’s Report and Recommendation (“R & R”) dated September 4, 2019, finding that Plaintiffs failed to demonstrate proper service of process on Defendants IMB Holdco LLC and Indy Mac Venture LLC by April 13, 2018, and recommending that these Defendants be dismissed from the action without prejudice. (*See* R & R, ECF No. 97, at 1.) Plaintiffs timely filed an objection contesting the R & R’s findings. (*See* Pls.’ Obj. to R & R (“Pls.’ Obj.”), ECF No. 101.)

This Court previously found that Plaintiffs' efforts to serve Defendants were improper. (*See* Mem. Op. at 6–11 (noting that Plaintiffs had not served designated agents of the Defendants under Fed. R. Civ. P. 4(h)(1)(B), (i)(2), (e)(2), and had not filed the required servers' affidavits to prove that Defendants were properly served under Fed. R. Civ. P. 4(l)(1))). Therefore, this Court required Plaintiffs to “serve all Defendants” and stated that if Plaintiffs “fail[ed] to file proper proof of service by April 13, 2018, this Court [would] dismiss this case without prejudice.” (*Id.* at 14–15.)

Plaintiffs' objection demonstrates that Plaintiffs have not taken any new actions to serve these two Defendants properly, nor have they filed proper proof of service in the form of the servers' affidavits, as Federal Rule of Civil Procedure 4(l) requires. (*See* Pls.' Obj. at 2–4 (relying on June 15, 2017 services that this Court has already deemed improper and lacking in proof of service); *see also* R & R at 1 (finding that Defendants were not served and no proof of service for either Defendant “appears among the ECF entries in this civil action”).) Because Plaintiffs have not taken any actions to comply with this Court's order to serve these two Defendants properly and to prove such service by April 13, 2018, this Court finds that Plaintiffs have not met their burden of service of process under Federal Rule of Civil Procedure 4.

For the reasons stated above, it is hereby

ORDERED that the findings and recommendation of the [97] Report and Recommendation are **ADOPTED** (over Plaintiffs' objections).

Accordingly, it is

FURTHER ORDERED that this action is dismissed without prejudice as to Defendant IMB Holdco LLC and Indy Mac Ventures LLC for Plaintiffs' failure to

effect service upon them in accordance with Federal Rule of Civil Procedure 4 and this Court's [56] Memorandum Opinion and Order.

DATE: October 2, 2019

Ketanji Brown Jackson
KETANJI BROWN JACKSON
United States District Judge