

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No: 2:14-cv-154-FtM-29CM

NEAL MOORE,

Defendant.

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**ORDER**

Before the Court is Plaintiff's First Motion for Extension of Time within Which It Has to Serve Defendant with A Summons and Complaint (Doc. 14), filed on July 16, 2014. By the motion, Plaintiff requests an additional thirty (30) days, up to and including August 15, 2014, during which to serve Defendant with a summons and Complaint.

Rule 4, Federal Rules of Civil Procedure, requires that service be completed within 120 days of the filing of the Complaint, or the action must be dismissed without prejudice. Fed. R. Civ. P. 4(m). The Complaint was filed on March 18, 2014 (Doc. 1), thereby requiring service upon Defendant by July 16, 2014. Upon a showing of good cause, however, the Court may extend the time for service for an appropriate period. Fed. R. Civ. P. 4(m).

In support of the motion, Plaintiff states that this action was originally brought against a John Doe Defendant whose true identity was unknown, and it was not until June 6, 2014 that Plaintiff learned Defendant's identity in response to a Third Party

Subpoena issued to Defendant's Internet Service Provider ("ISP") on April 15, 2014. Doc. 14 at 1. Upon learning Defendant's identity, Plaintiff filed an Amended Complaint on July 10, 2014 to name the Defendant identified by the ISP. *Id.* Plaintiff filed a proposed summons to be issued by the Clerk the same day, but to date the summons has not been issued. *Id.* Plaintiff represents that, upon receipt of the Clerk-issued summons, it will immediately begin attempting to serve Defendant. *Id.*

Upon due consideration and in light of the procedural posture of this case, the Court finds good cause to grant the requested extension.

ACCORDINGLY, it is hereby

**ORDERED:**

Plaintiff's First Motion for Extension of Time within Which It Has to Serve Defendant with A Summons and Complaint (Doc. 14) is **GRANTED**. Plaintiff shall have **up to and including August 15, 2014** to serve Defendant with a summons and copy of the Complaint.

**DONE** and **ORDERED** in Fort Myers, Florida on this 17th day of July, 2014.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:

Counsel of record