

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

PAUL A. BROWN,

Plaintiff,

v.

Civil Action No. 3:16-cv-00067-DJH

JEFFERSON COUNTY POLICE,

Defendant.

\* \* \* \* \*

**MEMORANDUM OPINION**

On February 5, 2016, Plaintiff Paul A. Brown filed a pro se complaint against the Jefferson County Police and paid the requisite \$400 filing fee for a civil action. On this same date, the Court issued a summons for the Defendant and mailed the issued summons to Plaintiff for service. The record reflects, however, that no summons has been returned executed (or otherwise) for the Defendant.

According to Rule 4(m) of the Federal Rules of Civil Procedure,

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made 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. . . .

Using the date the complaint was filed as the starting point to calculate the 90-day service period, the period expired on May 5, 2016. Due to this apparent lack of service, by Order entered July 29, 2016, the Court ordered Plaintiff, within 14 days from the entry date of the Order, to show cause why this action should not be dismissed pursuant to Rule 4(m) (DN 4). The 14-day period has now passed without any response by Plaintiff.

Accordingly, the Court will dismiss this action by separate Order for failure to comply with Rule 4(m)'s service requirement.

Date: September 14, 2016

A handwritten signature in black ink, appearing to read "D.J. Hale". The signature is written over a faint circular seal of the United States District Court.

**David J. Hale, Judge  
United States District Court**

cc: Plaintiff, pro se  
4415.011