

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CHRISTIAN VENABLE,)
)
 PLAINTIFF)
)
 v.)
)
 LEWISTON POLICE DEPARTMENT,)
 CITY OF LEWISTON,)
 DEREK ST. LAURENT AND)
 KATHERINE ROONEY,)
)
 DEFENDANTS)

CIVIL No. 2:17-cv-473-DBH

ORDER ON PLAINTIFF’S MOTION FOR ALTERNATIVE SERVICE

The plaintiff has moved for alternate service of the complaint in this lawsuit, namely, using a defendant’s Facebook account. Federal Rules permit a plaintiff to use a method provided by state law, Fed. R. Civ. P. 4(e)(1). Maine permits alternate means of service where other methods fail, Me. R. Civ. P. 4(g), but requires a motion that complies with the following:

Any such motion shall be supported by (i) a draft, proposed order to provide the requested service by alternate means, and (ii) an affidavit showing that: (A) The moving party has demonstrated due diligence in attempting to obtain personal service of process in a manner otherwise prescribed by Rule 4 or by applicable statute; (B) The identity and/or physical location of the person to be served cannot reasonably be ascertained, or is ascertainable but it appears the person is evading process; and (C) The requested method and manner of service is reasonably calculated to provide actual notice of the pendency of the action to the party to be served and is the most practical manner of effecting notice of the suit.

Here the plaintiff has failed to provide a draft proposed order. Moreover, his affidavit does not “demonstrate[] due diligence in attempting to obtain personal service of process in a manner otherwise prescribed” by rule or statute, and it does not “show[]” that the “physical location of the person to be served cannot reasonably be ascertained.” The plaintiff states only that he “has made a good-faith effort to find Defendant,” and that “[t]hese efforts over several months have proven futile.” Pl.’s Mot. at 1. Those are mere conclusory assertions, not a demonstration or a showing.

The motion for alternative service is **DENIED**.

SO ORDERED.

DATED THIS 8TH DAY OF JANUARY, 2018

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE