

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JIM GRAY
:
:
v. : Civil Action No. 14-2939
:
RICHARD SARLES, et al. :
:

MEMORANDUM OPINION and ORDER

Plaintiff Jim Gray filed this action on September 17, 2014, against Richard Sarles, General Manager of WMATA, and Unidentified Metro Transit Police Officers 1, 2, and 3, seeking redress for what he claims were illegal actions taken on July 30, 2013, when he was pulled over by a WMATA police unit and issued citations. By earlier decision, the claims against Richard Sarles were dismissed. Plaintiff was directed to show cause why the claims against the Unidentified Officers should not be dismissed without prejudice pursuant to Fed.R.Civ.P.4(m) for failure to serve them within 120 days of filing suit.

Plaintiff resists dismissal, asserting that WMATA has improperly failed to respond to a Maryland Public Information Request he sent in July of 2014, and that the identities of the three officers will be revealed at trial. ECF No. 11. What Plaintiff fails to understand, however, is that there can be no

trial unless the defendants are named and properly served with process.

Fed.R.Civ.P. 4(m) provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own motion after notice to the plaintiff—must dismiss the action without prejudice against the 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.

Plaintiff has not asked for more time, but has indicated that, a year ago, he tried to find out the names of the officers by writing to WMATA. He does not indicate that he has made any other attempts to find out who they are. (The state court record identifies one of the officers as having ID: 0534.) Under the circumstances, Plaintiff will be given one final opportunity to identify the purported defendants, amend the complaint to name them, and then supply addresses for service.

Accordingly, it is this 20th day of July, 2015, by the United States District Court for the District of Maryland, ORDERED that:

1. Plaintiff may have 60 days within which to identify defendants by name, amend the complaint, and provide addresses for service of process;
2. Failure to do so will result in dismissal of this action without prejudice, but without further notice; and
3. The clerk will transmit copies of this Order to Plaintiff and to Counsel for WMATA.

/s/
DEBORAH K. CHASANOW
United States District Judge