

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**SHEKEIRA SPRINGER and DONALD
WILLIAMS,**

Plaintiffs,

v.

LUIS S. SPENCER, et al.,

Defendants.

**Civil Action No.
13-10083-FDS**

AMENDED MEMORANDUM AND ORDER

SAYLOR, J.

On March 19, 2014, defendant Osvaldo Vidal moved to dismiss the complaint for lack of service. On March 20, plaintiffs Donald Williams and Shekeira Springer moved for an enlargement of time to serve defendant Osvaldo Vidal until certain pending motions are resolved. They contend that there is good cause for the extension because plaintiffs were hindered by lack of counsel and by Williams' incarceration and because plaintiffs relied on another prisoner, purportedly a "jailhouse lawyer," to complete the forms to effect service but that prison administrators were holding letters sent by this prisoner. Springer requested another set of summons and service of process forms in October 2013 but no response has been docketed.

Fed. R. Civ. P. 4(m) provides that if a defendant "is not served within 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time." If plaintiff shows good cause, then "the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

However, the court may grant an extension of time even absent good cause. Fed. R. Civ. P. 4 advisory committee's note (1993).

For good cause shown, and in the discretion of the Court, plaintiffs' motion for an extension of time is GRANTED. Plaintiffs shall serve defendant Vidal within 31 days, or by May 9, 2014.

Defendant Vidal's motion to dismiss for lack of service is DISMISSED without prejudice to its renewal.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: April 8, 2014