

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRIEDRICH LU,)	
Plaintiff,)	
)	Civ. Action No. 17-10518-PBS
v.)	
)	
TIMOTHY FRATES, et al.,)	
Defendants.)	

ORDER

August 31, 2017

SARIS, C.D.J.

Now pending before the Court are (1) plaintiff's motion for reconsideration of the denial of his motion for temporary restraining order and preliminary injunction and (2) plaintiff's response to court order. See Docket Nos. 9, 12.

1. Plaintiff's Motion for Reconsideration

By Endorsed Order dated March 31, 2017, plaintiff's one-page emergency motion was denied on the ground that he had not shown irreparable harm. See Docket No. 7. In his motion for reconsideration, plaintiff argues, among other things, that "the court erred, by applying a wrong legal standard." See Docket No. 9. A court's reconsideration of a decision is "an extraordinary remedy which should be used sparingly," Palmer v. Champion Mortg., 465 F.3d 24, 30 (1st Cir. 2006), and "simple disagreement with the court's decision is not a basis for reconsideration." Ofori v. Ruby Tuesday, Inc., 205 Fed. Appx. 851, 853 (1st Cir. 2006) (unpublished). Accordingly, the motion for reconsideration is denied.

2. Failure to Serve Pursuant to Fed. R. Civ. P. 4(m)

On May 25, 2017, the Court denied plaintiff's request for default because Lu had not met his burden of proving timely and proper service of process. See Docket No. 11. At that time, the 90 day period had not yet expired for service of the summonses, which were issued on March 31, 2017. Id.

In his response to the Court's May 25, 2017 Order, plaintiff contends that the defendants "had been properly served with process" and that it would be "superfluous to serve them again with the same." See Docket No. 12. Despite plaintiff's argument, he has failed to meet his burden of proving timely and proper service of process as required by Fed. R. Civ. P. 4(1)(1). Therefore, plaintiff will be ordered to show cause why this case should not be dismissed for failure to serve pursuant to Fed. R. Civ. P. 4(m).

Based on the foregoing, it is hereby ordered that:

1. Plaintiff's motion [#9] for reconsideration is denied.
2. Plaintiff shall show cause why this case should not be dismissed for failure to serve pursuant to Fed. R. Civ. P. 4(m). Plaintiff shall show such cause by September 12, 2017.

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
CHIEF UNITED STATES DISTRICT JUDGE