

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHERRY BAXTER,

No. 16-13661

Plaintiff,

District Judge Matthew F. Leitman

v.

Magistrate Judge R. Steven Whalen

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER EXTENDING SUMMONS**

This is a Social Security Disability case. On May 22, 2017, I ordered Plaintiff to show cause why her complaint should not be dismissed for failure of timely service [Doc. #7]. In response, Plaintiff filed a cursory Motion to Re-Issue Summons [Doc. #8].

Under Fed.R.Civ.P. 4(m), a party who shows good cause for failure of timely service *must* be granted an extension. Here, Plaintiff has offered no explanation as to why her complaint was not served, and merely asks that the summons be re-issued. This falls far short of a showing of good cause.

Rule 4(m) also provides that the Court *may* extend the time of service even if good cause is not shown. In the exercise of my discretion I will do that. The Plaintiff's motion to re-issue summons [Doc. #8] is GRANTED, and the time for service is extended 30 days from the date of this Order. Plaintiff's failure to properly and timely serve the

complaint and summons will result in a recommendation that the complaint be dismissed.

I also note that counsel, whose office is in Ohio, was granted leave to proceed without obtaining local counsel. Given counsel's lack of attention to this case, and his apparent unfamiliarity with this Court's expectations, this Court will look skeptically at any future requests for waiver of local counsel.

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: June 9, 2017

#### **CERTIFICATE OF SERVICE**

I hereby certify on June 9, 2017, that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants.

s/Carolyn Ciesla  
Case Manager to  
Magistrate Judge R. Steven Whalen