

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH REID,

Plaintiff,

v.

RUTGERS UNIVERSITY, *et. al.*,

Defendants.

Case No. 13-10083

Honorable John Corbett O'Meara

ORDER GRANTING DEFENDANTS' MAY 14, 2013 MOTION TO DISMISS

This matter came before the court on Defendants' May 14, 2013 Motion to Dismiss or, in the Alternative, to Transfer Venue. Plaintiff Keith Reid filed a response June 6, 2013; and Defendants filed a reply June 24, 2013. No oral argument was heard.

BACKGROUND FACTS

Plaintiff Keith Reid, who resides in Clarkston, Michigan, claims he was wrongly evicted from his dormitory on the Camden, New Jersey campus of defendant Rutgers University. Plaintiff named the following defendants in this lawsuit: Rutgers University, Rutgers University Office of Housing and Residence Life, and Rutgers University Police Department. The latter two defendants do not have a legal existence separate from the defendant university.

LAW AND ANALYSIS

Due process requires proper service of process for a court to have jurisdiction to adjudicate the rights of the parties. O.J. Distrib., Inc. v. Hornell Brewing Co., 340 F.3d 345, 353 (6th Cir. 2003). "Before a federal court may exercise personal jurisdiction over a defendant, the procedural

requirement of service of summons must be satisfied.” Omni Capital Int’l, Ltd. v. Rudolf Wolff & Co., 484 U.S. 97, 104 (1987).

In this case plaintiff Reid sent copies of the complaint to three Rutgers-Camden offices, none of which is permitted to accept service on behalf of defendant Rutgers University. Indeed, in his response brief, plaintiff Reid admits he failed to properly serve the defendant university. He also states that he consents to the portion of Defendants' motion to transfer venue to the United States District Court for the District of New Jersey. However, because of the lack of proper service, this court lacks jurisdiction even to transfer the case. Accordingly, the court will grant Defendants' motion to dismiss.

ORDER

It is hereby **ORDERED** that Defendants' May 14, 2013 motion to dismiss is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: July 18, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 18, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager