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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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5 MICHAEL JONES, an individual,

Case No. 2:13-cv-01002-APG-VCF

6 Plaintiff,

**ORDER REOPENING CASE ONLY AS TO
DEFENDANT LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT, AND ENLARGING TIME
FOR SERVICE**

7 v.

8 COUNTY OF CLARK; LAS VEGAS METRO
9 POLICE DEPARTMENT; and DOES 1
through 25, inclusive,

(Dkt. nos. 15, 16)

10 Defendants.

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13 Plaintiff filed this lawsuit on June 6, 2013. Allegedly as a result of repeated errors by the
14 process server, defendant Las Vegas Metropolitan Police Department ("Metro") was not timely
15 served with process. On October 30, 2013, the Court notified Plaintiff that Metro would be
16 dismissed from the case pursuant to Federal Rules of Civil Procedure 4(m) unless proof of service
17 was filed. Plaintiff failed to prove service, so on December 16, 2013, Metro was dismissed.
18 Plaintiff now seeks to reopen the case and extend the time for service on Metro, primarily
19 blaming the process server's failings. [Dkt. Nos. 15 and 16.]

20 Rule 60(b)(1) and (6) of the Federal Rules of Civil Procedure provides that the court may
21 relieve a party or its legal representative from a final judgment, order, or proceeding for . . .
22 mistake, inadvertence, surprise, or excusable neglect [or] for any other reason that justifies relief."
23 Plaintiff's motions demonstrate that good cause exists to reopen the case as to Metro, and to
24 extend the service period. Plaintiff's counsel could have been more diligent in monitoring and
25 following up on the process server's efforts. However, Plaintiff should not be punished for the
26 failings of his process server. Accordingly,

27 IT IS HEREBY ORDERED that Plaintiff's motions to reopen the case (Dkt. #15) and to
28 enlarge the time for service (Dkt. #16) are hereby GRANTED. This case is reopened only as to

1 defendant Las Vegas Metropolitan Police Department. Plaintiff shall have 30 days from entry of
2 this Order to effectuate service of process upon defendant Las Vegas Metropolitan Police
3 Department. The failure to serve within that time period likely will result in a dismissal of this
4 lawsuit.

5 DATED THIS 17th day of March, 2014.



8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE

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