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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Michael C. Sher,

Plaintiff,

v.

City of Las Vegas, Nevada, et al,

Defendants.

Case No. 2:14-cv-2105-APG-CWH

**ORDER GRANTING MOTION TO
DISMISS**

(Dkt. #5)

Plaintiff Michael Scher, who is proceeding pro se, claims that the City of Las Vegas and several individual defendants violated his civil rights on January 8, 2013, when he was a defendant in municipal court. He seeks damages of \$10 billion.

Defendants have moved to dismiss the case on the grounds that Mr. Scher has not properly served them. (Dkt. #5.) They note, and the record reflects, that Mr. Scher has not complied with Fed. R. Civ. P. 4(c)(2)-(3), which requires service by a non-party or Marshal. Instead, Mr. Scher sent his summons and complaint through certified mail, which is improper.¹ There are additional defects as well. Fed. R. Civ. P. 4(j)(2) allows for service on local governments by either serving the chief executive officer or serving in the manner prescribed by state law. Nevada law allows service upon local governments by delivering a copy of the summons and complaint “to the chairperson of the board of commissioners, president of the council of trustees, mayor of the city, or other head of the legislative department thereof.”² But the person who signed for receipt of Mr. Scher’s certified mail, Tasha Carpenter, is not an agent authorized to receive service of process for the City of Las Vegas.³ Nor is she an agent

¹ (See Dkt. #4 at 5-6.)


² N.R.C.P. 4(d)(5)

³ (See Dkt. #5 at 6.)

1 authorized to receive service of process for any of the individual defendants.⁴ Had a waiver of
2 service been filed, perhaps these defects could be overcome.⁵ But no waiver was ever filed.
3 Accordingly, I grant defendants' motion.

4 IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss [**Dkt. #5**] is
5 **granted**. Mr. Scher's claims against the City of Las Vegas, Carolyn Goodman, Brad Jerbic,
6 Cynthia Leung, and Matthew Walk are dismissed without prejudice.

7 DATED this 29th day of May, 2015.

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10 ANDREW P. GORDON
11 UNITED STATES DISTRICT JUDGE
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27 _____
28 ⁴ *Id.*

⁵ *See* Fed. R. Civ. P. 4(d).