

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Joe Hand Promotions, Inc.,

4 Plaintiff

5 v.

6 Alfred J. Belluomini, Jr., et al.,

7 Defendants

Case No.: 2:16-cv-0589-JAD-VCF

**Order Dismissing Case Without
Prejudice Under FRCP 4(m)**

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10 Plaintiff Joe Hand Promotions, Inc. brings this suit against Alfred J. Belluomini, Jr., Andrew
11 G. Jordon, and AJs Adventures, LLC—all individually and dba Dragon’s Cloud Hookah Lounge,
12 alleging that they violated its rights as the exclusive commercial domestic distributor of the March
13 2013 televised *Ultimate Fighting Championship 158: Georges St. Pierre v. Nick Diaz*. After filing
14 this case in March 2016, plaintiff failed to file proof of service on any defendant. So, on August 9,
15 2016, plaintiff was notified that “this action shall be dismissed without prejudice” unless it filed
16 proof of service by September 8, 2016.¹ No such notice has been filed, and there is no evidence in
17 the record that plaintiff has served any defendant.

18 FRCP 4(m) requires service of the summons and complaint to be completed within 90 days
19 of the complaint’s filing, and “[i]f a defendant is not served within 90 days after the complaint is
20 filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action
21 without prejudice against that defendant or order that service be made within a specified time.”²
22 Rule 4(c)(1) further provides that “[t]he plaintiff is responsible for having the summons and
23 complaint served within the time allowed under Rule 4(m).”³

24 Plaintiff has failed to provide the required proof of service—or take any action in this case in

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¹ ECF No. 5 (4(m) notice).

27 ² Fed. R. Civ. Proc. 4(m).

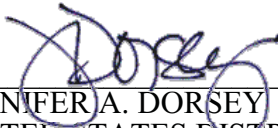
28 ³ Fed. R. Civ. Proc. 4(c).

1 nearly a year. Exercising my discretion, I now dismiss this case without prejudice under Rule 4(m).

2 Accordingly, with good cause appearing and no reason for delay, IT IS HEREBY
3 ORDERED, ADJUDGED, AND DECREED that this action is **DISMISSED WITHOUT**
4 **PREJUDICE** and in its entirety under Fed. R. Civ. Proc. 4(m). The Clerk of Court is directed to
5 CLOSE THIS CASE.

6 DATED: February 8, 2017

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JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE