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| 4 | UNITED STATES DISTRICT COURT | |
| 5 | DISTRICT OF NEVADA | |
| 6 | * * * | |
| 7 | GREGORY HARRIS, | Case No. 2:18-cv-00294-APG-CWH |
| 8 | Plaintiff, | ORDER |
| 9 | V. | ORDER |
| 10 | JAMES DZURENDA, et al., | |
| 11 | Defendants. | |
| 12 | | |
| 13 | Presently before the court is Nevada state-prison inmate Gregory Harris' Motion to Serve | |
| 14 | Defendants Jo Gentry and Byrne (ECF No. 41), filed on November 5, 2018. Also before the | |
| 15 | court is Harris' Motion for Enlargement of Time to Serve Defendants Jo Gentry and Byrne (ECF | |
| 16 | No. 43), filed on November 19, 2018. The motions are unopposed. | |
| 17 | The United States Marshal attempted to serve Jo Gentry and Byrne at their last-known | |
| 18 | addresses, which were provided to the court under seal by the Nevada Attorney General's Office. | |
| 19 | (Sealed Submission of Last Known Addresses (ECF No. 20).) The U.S. Marshal indicated the | |
| 20 | address provided for Byrne was not a valid address. (Summons Returned Unexecuted (ECF No. | |
| 21 | 32) at 1.) The U.S. Marshal attempted to serve Jo Gentry on three occasions, stating that the first | |
| 22 | time nobody was home and that on the second and third attempts he was "unable to contact at the | |
| 23 | address." (Id. at 4.) | |
| 24 | Harris now requests that U.S. Marshal attempt to serve the defendants again, or that the | |
| 25 | court run an advertisement in the newspaper to locate and serve Jo Gentry and Byrne. Harris also | |
| 26 | requests an additional 120 days to serve these defendants. Given that Byrne's address was not a | |
| 27 | valid address and that the U.S. Marshal made diligent attempts to serve Jo Gentry at his address to | |
| 28 | no avail, the court finds that it would be futile to h | nave the U.S. Marshal attempt to repeat service |
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| 1 | on those addresses. The court will, however, extend time for service by an additional 120 days | |
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| 2 | from the date of this order to provide Harris with an opportunity to investigate alternative | |
| 3 | addresses for Byrne and Jo Gentry. If he identifies alternative addresses, he may file a motion | |
| 4 | requesting service by the U.S. Marshal at those addresses. If he is unable to find alternative | |
| 5 | addresses, he may file any motion he deems proper under Rule 4 of the Federal Rules of Civil | |
| 6 | Procedure. | |
| 7 | IT IS THEREFORE ORDERED that plaintiff Gregory Harris' Motion to Serve | |
| 8 | Defendants Jo Gentry and Byrne (ECF No. 41) is DENIED without prejudice. | |
| 9 | IT IS FURTHER ORDERED that Harris' Motion for Enlargement of Time to Serve | |
| 10 | Defendants Jo Gentry and Byrne (ECF No. 43) is GRANTED. His deadline to serve these | |
| 11 | defendants is extended to May 10, 2019. | |
| 12 | | |
| 13 | DATED: January 10, 2019 | |
| 14 | C.W. HOFFMAN, JR. | |
| 15 | C.W. HOFFMAN, JR. UNITED STATES MAGISTRATE JUDGE | |
| 16 | UNITED STATES MADISTRATE JUDGE | |
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