

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

GENERAL CROOK,  
  
Plaintiff(s),  
  
v.  
  
WALT DISNEY COMPANY, et al.,  
  
Defendant(s).

Case No. 2:18-CV-828 JCM (CWH)

ORDER

Presently before the court is pro se plaintiff General Crook’s motion to extend time. (ECF No. 23).

On January 2, 2019, the court issued an order holding that General Crook did not provide proper proof of service within the Federal Rule of Civil Procedure 4(m) dismissal deadline. (ECF No. 22). The court further ordered General Crook to show cause as to why the court should not dismiss the action without prejudice. Id. General Crook responded to the courts order to show cause, requesting that the Court afford General Crook additional time to serve defendant Burgess L. Gardner. (ECF No. 23).

Under Rule 4(m), when defendant is not timely served the court must dismiss the action as it pertains to that defendant unless the plaintiff shows good cause.

Here, over eight months have passed since Laylow Films, Inc. removed this action from state court to federal court. (ECF No. 1). General Crook represents that it has failed to serve Gardner in this time because it did not know how to properly serve process under the federal rules. (ECF No. 23). However, ignorance of the rules for service of process does not constitute good cause for untimely service. Townsel v. Contra Costa Cnty., Cal., 820 F.2d, 319, 320 (9th Cir. 1987).

James C. Mahan  
U.S. District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

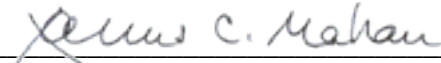
As Gardner is the only remaining defendant and General Crook has failed to show good cause, the court will deny General Crook's motion to extend and dismiss the case without prejudice.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that General Crook's motion to extend (ECF No. 23) be, and the same hereby is, DENIED.

IT IS FURTHER ORDERED that the matter of General Crook v. Walt Disney Co., case number 2:18-cv-00828-JCM-CWH, be, and the same hereby is, DISMISSED without prejudice.

DATED January 28, 2019.

  
UNITED STATES DISTRICT JUDGE