

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAMAL GIBBS,

Plaintiff,

v.

UNIVERSITY CORRECTIONAL
HEALTHCARE, et al.,

Defendants.

Civil Action No.: 14-7138 (MAS)

MEMORANDUM AND ORDER

Presently before the Court is Plaintiff's Second Motion for Extension of Time for Service of Process. It appearing that:

1. The Court previously granted Plaintiff *in forma pauperis* status and ordered the United States Marshal to serve summons and copies of the Complaint upon Defendants. (ECF No. 2.)

2. Summons for four of the defendants were returned unexecuted because the United States Marshal could not locate these defendants, as they are no longer employees at the prison where Plaintiff is confined. (ECF No. 5.)

3. The Court granted Plaintiff's First Motion for Extension of Time for Service on the ground that Plaintiff had shown good cause under Fed. R. Civ. P. 4(m) to extend time for service, (ECF No. 12), in order to allow Plaintiff to properly serve these four defendants.

4. Plaintiff is again requesting additional time for service, as some of the summons still have not been properly served by the United States Marshal; out of the ten summons that were issued, four returned unexecuted as stated above, three have been executed, while three remain outstanding. Under the Federal Rules of Civil Procedure, "if the plaintiff shows good cause for


the failure [to serve], the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). Here, the Court finds that Plaintiff has shown good cause for an extension of time. *See Novak v. Posten Taxi Inc.*, 386 F. App’x 276, 277 n.1 (3d Cir. 2010) (“Marshals Service’s failure to effectuate service on behalf of an *in forma pauperis* plaintiff may constitute ‘good cause’ within the meaning of Rule 4(m)”).

IT IS therefore on this 10th day of June, 2015,

ORDERED that Plaintiff’s Motion for Extension of Time for Service of Process, (ECF No. 19), is hereby **GRANTED**; it is further

ORDERED that Petitioner shall have until August 12, 2015 to complete service of all Defendants; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail.



Michael A. Shipp
United States District Judge