

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VICTOR GARCIA,

Plaintiff,

v.

CV No. 20-601 GJF/CG

ALBERT SENA, et al.,

Defendants.

ORDER EXTENDING PLAINTIFF'S TIME TO SERVE SUMMONS AND COMPLAINT

THIS MATTER is before the Court on Plaintiff's *Motion to Extend Time to Serve Defendants* (the "Motion"), (Doc. 5), filed September 21, 2020. Plaintiff seeks additional time to properly serve the Summons and Complaint upon Defendants. *Id.* at 3. Plaintiff filed his Complaint on June 22, 2020, (Doc. 1), and an Amended Complaint on September 10, 2020, (Doc. 4), alleging violations of 42 U.S.C. § 1983. Accordingly, under Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendants with the Summons and Complaint by September 21, 2020. Plaintiff failed to serve Defendants by that date. (Doc. 5 at 3).

In the Motion, Plaintiff explains he has diligently attempted to identify and locate all possible defendants in this matter. (Doc. 5 at 2-3). Plaintiff asserts he has now verified "nine out of ten Defendants." *Id.* at 2. Plaintiff asks the Court to find good cause exists to extend time to serve the Summons and Complaint on Defendants. *Id.* at 3.

Upon a showing of good cause by a plaintiff, the Court is required to extend the time for service for an appropriate period. FED. R. CIV. P. 4(m). Even if the plaintiff has not demonstrated good cause for an extension of time, the Court may, in its discretion, extend time to effect service. *Espinoza v. United States*, 52 F.3d 838 (10th Cir. 1995).

The Court finds Plaintiff's good faith effort to locate and verify Defendants constitutes "good cause" for an extension of time to serve the Summons and Complaint. The Court further notes extending the time for service will not prejudice Defendants.

IT IS THEREFORE ORDERED that Plaintiff's *Motion to Extend Time to Serve Defendants*, (Doc. 5), be **GRANTED**. Plaintiff shall serve the Summons and Complaint upon Defendants by **October 7, 2020**.

IT IS FURTHER ORDERED that Defendants' responses to Plaintiff's Complaint are due **October 28, 2020**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Carmen E. Garza", written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE