

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

GULNAZ COWDER,

Plaintiff,

-against-

ADMINISTRATION FOR CHILDREN AND
FAMILIES (ACF), MARY ANN HIGGINS,
DEPARTMENT FOR CHILDREN AND
FAMILIES (DCF) and STEVE DALE,

Defendants.

-----X

BLOOM, United States Magistrate Judge:

By letter dated November 17, 2009, plaintiff objects to the Court's Report and Recommendation to dismiss plaintiff's complaint as to defendants Administration for Children and Families ("ACF") and Higgins without prejudice pursuant to Rule 4(m) of the Fed. R. Civ. P. See docket entry 23. By Order dated September 29, 2009, the Court assumed ACF was a city agency and Higgins an employee thereof. I therefore referenced Fed. R. Civ. P. 4(e), 4(j)(2), and 4(l) for instructions on how to properly serve defendants. See docket entry 13. However, plaintiff's complaint identifies ACF as a part of the United States Department of Health and Human Services, an agency of the United States government, and Higgins as the Regional Administrator of ACF, an employee of the United States government. See Complaint at 5, 7. Therefore, in order to properly serve these defendants, an agency and employee of the United States, plaintiff must comply with the four steps set forth in Fed. R. Civ. P. 4(i).

Accordingly, the Court withdraws its Report and Recommendation and extends plaintiff's time to serve defendants ACF and Higgins to January 14, 2010. Should plaintiff fail

CM

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ DEC 15 2009
P.M. *(Signature)*
TIME A.M. *(Signature)*

ORDER
09 CV 628 (RJD)(LB)

read

to properly serve defendants by January 14, 2010,¹ I will recommend that plaintiff's complaint should be dismissed as to defendants ACF and Higgins pursuant to Fed. R. Civ. P. 4.

SO ORDERED.

[Handwritten signature]

LOIS BLOOM
United States Magistrate Judge

Dated: December 14, 2009
Brooklyn, New York

¹ The Sheriff's Department's return of service does not reflect proper service on these defendants. See docket entry 23. Again, plaintiff must comply with the four steps set forth in Fed. R. Civ. P. 4(i).