

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GULNAZ COWDER,

Plaintiff,

-against-

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

Defendants.

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DEARIE, Chief Judge.

**ORDER**

09 CV 628 (RJD) (LB)

By Report and Recommendation dated January 29, 2010, Judge Bloom recommends that “plaintiff’s complaint should be dismissed as to defendants ACF and Higgins without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure” because service on the State Attorney General of Massachusetts does not comply with Fed. R. Civ P. 4(i). (Docket Entry 26.) Plaintiff states in her objections: “I innocently thought that I am following Fed. R. Civ. P. 4(i) which you referred me on December 14, 2009.” (Docket Entry 27.) The Court does not doubt plaintiff’s sincerity, but an honest effort does not exempt plaintiff from the requirement of proper service. Judge Bloom has given plaintiff multiple opportunities to serve ACF and Higgins and, as plaintiff acknowledges, explicitly informed plaintiff that she had to comply with Rule 4(i). Therefore, the Court adopts Judge Bloom’s Report and Recommendation in its entirety and the Clerk of the Court is directed to dismiss plaintiff’s complaint as to ACF and Higgins

without prejudice.

**SO ORDERED.**

Dated: Brooklyn, New York  
February 22, 2010

s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge