



2017, to first seek additional time to serve on May 3, 2017, well more than 90 days after the amended complaint was filed. *See* Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action”). For these reasons, I responded to plaintiff’s application by issuing an Order providing as follows:

If plaintiff requires leave of Court to serve defendant in a particular manner, he may file a formal motion seeking leave to do so. Otherwise, plaintiff shall serve defendant in the manner he believes is proper, and shall advise the Court of the status of service by letter submitted no later than June 9, 2017.

Order dated May 4, 2017.

Plaintiff, however, did not submit a formal motion as directed by the Court. Instead, on June 9, 2017, plaintiff filed a three-sentence letter stating that he has been unable to serve defendant and again seeking leave, without any further explanation, to serve the California Secretary of State. Docket Entry 11

Plaintiff’s time to submit a formal motion—one supported by a memorandum of law that sets forth the relevant rules of procedure and case law upon which he relies, and by one or more affidavits and exhibits that establish the pertinent facts—is extended to June 19, 2017. The memorandum and affidavits shall explain in detail the basis for plaintiff’s assertions that the Court should permit service upon the California Secretary of State in lieu of the defendant, and that the Court should permit service to be made in any manner at this late date. Failure to comply will result in a recommendation that this case be dismissed.

SO ORDERED.

\_\_\_\_\_  
/s/

STEVEN M. GOLD  
United States Magistrate Judge

Brooklyn, New York  
June 12, 2017

*U:\Greisman v. Ditech Financial (16cv5754) (WFK).docx*