UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALFRED F. VELAZQUEZ,

Plaintiff,

v.

COUNTY OF NASSAU and
NASSAU COUNTY CORRECTIONAL CENTER,

Defendants.

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MEMORANDUM AND ORDER
17-CV-6117 (WFK) (AYS)

WILLIAM F. KUNTZ, II United States District Judge:

For the reasons set forth below, the Court dismisses this action without prejudice for failure to prosecute.

BACKGROUND

On October 20, 2017, Alfred F. Velazquez ("Plaintiff") filed the complaint in this action, against the County of Nassau and Nassau County Correctional Center (together, the "Defendants") seeking damages for alleged civil rights violations arising out Defendants' policy requiring all arrestees be subject to a strip search upon admission to the Nassau County Correctional Facility from May 1996 until June 1999. Compl, ECF No. 1. Also on October 20, 2017, the Plaintiff was notified that their proposed summons was rejected and the Clerk's Office could not issue the summons because a critical section of the summons was incomplete. Docket Entry dated 10/20/2017. Plaintiff's counsel was "advised to submit a completed proposed summons using the event Proposed Summons/Civil Cover Sheet." *Id.*

On May 7, 2018, Magistrate Judge Anne Y. Shields entered an Electronic Order noting that "Plaintiff has failed to comply with the Court's October 20, 2017 Order to properly complete the summons" and directing the Plaintiff to properly complete the summons and serve the

Defendants by May 21, 2018. Electronic Order dated 5/7/18. Plaintiff was "cautioned that failure to com[p]ly with [the] Order may result in this case being dismissed for failure to prosecute." *Id.*

DISCUSSION

Rule 4(m) of the Federal Rules of Civil Procedure provides: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."

Plaintiff was required to complete the summons and serve the Defendants within 90 days of the commencement of this action—by January 18, 2018. This Court gave notice to the Plaintiff on May 7, 2018 for service to be completed by May 21, 2018. Plaintiff having failed to properly complete the summons and serve the Defendants within the time allowed or to show good cause for why he cannot comply, IT IS HEREBY ORDERED that the above-captioned action be dismissed without prejudice.

SO ORDERED.

s/WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: May 23, 2018
Brooklyn, New York