

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
WILLIAM PATTERSON p/k/a SPACEMAN :
PATTERSON, :
Plaintiff, :
: 21-CV-7851 (VSB)
-against- :
: **ORDER**
CHRISTOPHER BREAUX p/k/a FRANK :
OCEAN., :
:
Defendant. :
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VERNON S. BRODERICK, United States District Judge:

On September 17, 2021, Plaintiff William Patterson p/k/a Spaceman Patterson, proceeding pro se, filed this action against Defendant Christopher Breaux p/k/a Frank Ocean. (Doc. 1.) On October 18, 2021, I directed the Clerk of Court to issue a summons, and I warned pro se Plaintiff that if he did not serve the summons and complaint on Defendant within 90 days or request an extension of time, “the Court may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.” (Doc. 6.) The summons was issued on October 19, 2021. (Doc. 7.) On January 18, 2022, the day that service was due,¹ Plaintiff filed a letter requesting a 90-day extension of the deadline to serve the Complaint. (Doc. 9.) I granted the request in part and denied the request in part, and gave Plaintiff an additional 45 days to serve the complaint and summons. (Doc. 10.) Again, on May 4, 2022, the day that service was due, Plaintiff filed another request for a 60-day extension, on the grounds that he was communicating with Defendant and attempting to settle the matter

¹ Ninety days from September 19, 2021 was Monday, January 17, 2022, Martin Luther King Jr. Day, so service was due the following day, January 18, 2022. See Fed. R. Civ. P. 6(a)(1)(C).

“without further burdening the Court.” (Doc. 11.) I granted the extension, but I explicitly advised that future extensions are unlikely to be granted barring extraordinary circumstances.” (Doc. 12.) Service was due on May 3, 2022, but to date, Plaintiff still has not filed an affidavit of service.

Accordingly, this action is dismissed without prejudice pursuant to Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. The Clerk of Court is respectfully directed to mail a copy of this order to the pro se Plaintiff and close the case.

SO ORDERED.

Dated: May 6, 2022

New York, New York



Vernon S. Broderick
United States District Judge