

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA LINER,

Plaintiff *pro se*,

– against –

KATHY HOCHUL, GOV.; OFFICER
MICHAEL DAVID 40TH PRECINCT;
JOHN DOE #1 OFFICER 40TH
PRECINCT; *AND* JOHN DOE #2
OFFICER 40TH PRECINCT,

Defendants.

AMENDED ORDER

21-CV-11116 (ER)

RAMOS, D.J.:

Pro se Plaintiff Joshua Liner filed a complaint on December 27, 2021. Doc. 1. The Court directed Liner to serve summonses and the complaint on Governor Hochul and Officer David within ninety days of the issuance of the summonses. Doc. 10. Additionally, the Court warned Liner that it may dismiss his claims against Governor Hochul and Officer David if he failed to serve the summonses or request an extension before the deadline. *Id.* The Clerk of Court issued the summonses against these Defendants on March 18, 2022. Doc. 11. A letter from Liner was filed with the Court on June 7, 2022 requesting a 30-day extension, and accordingly the Court extended the deadline for service to July 18, 2022. Doc. 19. In that same letter Liner informed the Court that he attempted to serve Officer David, but has not yet confirmed whether he has actually served any summonses. Doc. 18 at 2. On July 5, 2022 a notice of appearance on behalf of Governor Hochul was entered. Doc. 20.

To date, Liner has failed to file proof of service as to Officer David or show cause in writing why a further extension of the time is warranted.

Accordingly, Plaintiff is instructed to serve the summonses to Officer David no later than January 18, 2023. Failure to do so will result in a dismissal for failure to execute service under Federal Rule of Civil Procedure 4(m), which provides that “[i]f 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.” Fed. R. Civ. P. 4(m) (emphasis added).

SO ORDERED.

Dated: November 18, 2022

New York, New York



Edgardo Ramos, U.S.D.J.