

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUE RETURN SYSTEMS, LLC, :
: Plaintiff, :
: :
: : 22 Civ. 8483 (JPC)
-v- :
: :
COMPOUND PROTOCOL, :
: Defendant. :
: :
-----X

JOHN P. CRONAN, United States District Judge:

The Complaint in this action was filed on October 5, 2022. Dkt. 1. Defendant has not appeared in this action, and the docket does not reflect whether Defendant has been served. Pursuant to Federal Rule of Civil Procedure 4(m), “[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).

Plaintiff is ordered to file a status letter by January 24, 2023, describing (1) whether service of the summons and Complaint has been made on Defendant, and (2) if service has not been effected on Defendant, whether Plaintiff requests an extension of time to serve Defendant. If Plaintiff requests an extension of time to effect service, it shall include in its letter an explanation of why there is good cause to excuse its failure to serve Defendant within the 90-day deadline set by Rule 4(m). *See* Fed. R. Civ. P. 4(m) (“[I]f the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”). If service of the summons and Complaint has been made on Defendant, Plaintiff must file proof of service on the docket no later than January 24, 2023. If no such letter is filed, the Court will dismiss the case.

SO ORDERED.

Dated: January 18, 2023
New York, New York



JOHN P. CRONAN
United States District Judge