

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ISAAC PETTIGREW,	:	
	:	
Plaintiff,	:	
	:	25-CV-1540 (JMF)
-v-	:	
	:	<u>ORDER OF SERVICE</u>
CAVALRY PORTFOLIO SERVICE LLC.,	:	
	:	
Defendant.	:	
-----X		

JESSE M. FURMAN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action against Cavalry Portfolio Service LLC. under Fair Debt Collection Practices Act, 15 U.S.C. § 1692; the Fair Credit Reporting Act, 15 U.S.C. § 1681; and New York General Business Law § 349. By order dated March 5, 2025, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. The Court directs service on Defendant.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the United States Marshals Service (“USMS”) to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the USMS to serve if the plaintiff is authorized to proceed IFP).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

To allow Plaintiff to effect service on Defendant through the United States Marshals Service (“USMS”), the Clerk of Court is instructed to fill out a USMS Process Receipt and Return form (“USM-285 form”) for Defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the USMS to effect service upon Defendant.

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service). Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION


The Clerk of Court is instructed to issue a summons for Cavalry Portfolio Service LLC, complete the USM-285 form with the address for Defendant, and deliver all documents necessary to effect service to the USMS.

The Clerk of Court is further directed to mail an information package to Plaintiff.

Plaintiff may receive court documents by email by completing a [Consent to Electronic Service form](#).²

SO ORDERED.

Dated: March 7, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

² If Plaintiff consents to receive documents by email, Plaintiff will no longer receive court documents by regular mail.

SERVICE ADDRESS FOR DEFENDANT

Cavalry Portfolio Service LLC
CT Corporation System
28 Liberty Street
New York, N.Y., 10005