

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-73-BO

PAMELA MELVIN,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

This matter comes before the Court on plaintiff's motion for extension of time to serve process and motion to re-issue summonses. [DE 5].

BACKGROUND

Plaintiff brought suit on February 12, 2016. [DE 1]. Nothing on the docket indicates she has served any of the nine defendants. Consequently, on June 6, 2016, plaintiff filed the instant motion for extension of time to serve process and to re-issue the summonses. [DE 5].

DISCUSSION


Federal Rule of Civil Procedure 4 states “[a] summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) . . .” Fed. R. Civ. P. 4(c)(1). Rule 4(m), at the relevant time, allowed plaintiff 90 days to make service. Fed. R. Civ. P. 4(m). After that time has elapsed the court—on motion or on its own after notice to plaintiff—must dismiss the action without prejudice or order that service be made within a specified time. *Id.* If plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. *Id.* Accordingly, plaintiff's time for effecting service is extended to and includes July 8, 2016. Plaintiff shall effect service and file proof of the same within that time or this case will be dismissed.

Plaintiff has also requested that the summonses be re-issued. Strictly speaking, this is not necessary, as summonses do not expire. However, in order to prevent any further delay with service in this matter, the clerk is directed to re-issue the summonses.

CONCLUSION

Plaintiff's motion is GRANTED. [DE 5]. Plaintiff has until July 8, 2016, to effect service and file proof the same or this case will be dismissed. Additionally, the clerk is directed to re-issue the summonses.

SO ORDERED, this 29 day of June, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE