

dismissal of an action without prejudice unless the Plaintiff “shows good cause for the failure,” in which case the court “must extend the time for service for an appropriate period.” Id.

A court cannot exercise personal jurisdiction over a party until they have been properly served in accordance with the applicable rules. The burden of establishing proper service rests upon the Plaintiff. Dickerson v. Napolitano, 604 F.3d 732, 752 (4th Cir. 2010). “Pro se status, however, is insufficient to establish good cause, even where the pro se plaintiff mistakenly believes that service was made properly.” Hasan v. Fairfax County School Bd., 405 Fed.Appx. 793, 794 (4th Cir. 2010) (citing McNeil v. United States, 508 U.S. 106, 113 (1993)). Good cause “requires a showing that the plaintiff ‘made reasonable and diligent efforts to effect service prior to the 120-day limit. . . .’” Quann v. White-Edgewater, 112 F.R.D. 649, 659 (D. Md. 1986).

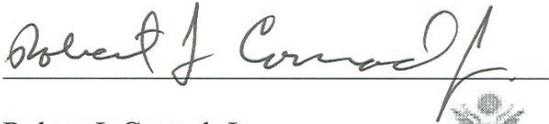
Here, it appears that Plaintiff, despite being incarcerated at present, has made good faith efforts to serve Defendant by mailing a copy of the summons to the Bank’s legal department. Further, Plaintiff’s motions for entry of default evince a belief, albeit mistaken, that his attempts at service of process had been successful. Accordingly, the Court finds that Plaintiff has demonstrated “good cause” sufficient to warrant an extension, and that the pending motions are not yet ripe for adjudication. Plaintiff shall have twenty-one (21) days from the issuance of this order to serve process upon Defendant in a manner consistent with the requirements of Rule 4 of the Federal Rules of Civil Procedure.

It is therefore ordered that:

Plaintiff’s motions for entry of default judgment, (Docs. 9, 15), are **denied**. Likewise, Defendant’s motion to dismiss under Rule 12(b)(5), (Doc. 11) is **denied**. This ruling does not preclude the parties from bringing similar motions in the future if so warranted. Plaintiff shall

have twenty-one (21) days following the issuance of this order to effect proper service upon Defendant in accordance with all relevant requirements under the Federal Rules of Civil Procedure. A failure to comply may result in a dismissal of this case.

Signed: August 13, 2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

