

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SELENA DUNSON,

Plaintiff,

:

Case No. 3:10-cv-441

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

HOOVEN-DAYTON CORP,

Defendant.

DECISION AND ORDER

This case is before the Court on Plaintiff's Request for an extension of time to serve process in the case. She bases her request on her desire to obtain counsel and her request to the EEOC to reopen its investigation.

The purpose of service of process, of course, is to provide notice to a defendant that the defendant has been sued and so that it can prepare to defend itself (or settle the case if it concludes it has no appropriate defense). Once a complaint has been filed, it is a matter of public record, so there is nothing confidential about the Complaint in this case. Furthermore, as a plaintiff proceeding *in forma pauperis*, all Plaintiff has to do is fill out the Marshal 285 form and the United States Marshal will make the required service of process.

Service of process will not in any way prevent the EEOC from proceeding to reopen its investigation if it desires to do so and has appropriate authority.

Under Fed. R. Civ. P. 4(m), Plaintiff has 120 days from the date the Complaint is filed to complete service. The Court is required by the Rule to dismiss the case if service is not made by that date. In this case, that date would be March 24, 2011. Plaintiff should make her best effort to

complete service by that date. If she is unsuccessful and can show good effort, the Court would reconsider an extension at that time. The present Request for extension is denied.

January 4, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge