

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD EDWARDS,

Plaintiff,

14cv0592

**ELECTRONICALLY FILED**

v.

EAST LIBERTY PLACE NORTH,

Defendant.

**MEMORANDUM OPINION**

On May 9, 2014, Plaintiff, Donald Edwards, filed a Complaint alleging that his landlord, Defendant, East Liberty Place North,<sup>1</sup> refused to renew his lease terminated him on account of his race in violation of the Fair Housing Act. See doc. nos. 1, 3. The Fair Housing Act authorizes aggrieved persons to commence a civil action in, *inter alia*, an appropriate United States District Court. 42 U.S.C. § 3613(a)(1)(A). Plaintiff's Complaint alleges that he fully paid his rent, but also indicates that at some point in time a dispute arose over whether Plaintiff did fully his pay his rent. On May 9, 2014, this Court granted Plaintiff's request to proceed *in forma pauperis*. See doc. no. 2.

On September 24, 2014, the Court entered a Show Cause Order which indicated that the instant would be dismissed on October 8, 2014, without prejudice, pursuant to Fed. R. Civ. P. 4(m), "unless good cause is shown before October 8, 2014 regarding why Plaintiff failed to serve the Defendant with a copy of the Complaint within 120 days of the filing of the Complaint." The Show Cause Order further required Plaintiff file a Response explaining why he failed to served

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<sup>1</sup> As noted by Defendant, the Defendant is improperly identified as "East Liberty Place North." Defendant claims its identity is actually, "East Liberty Place North, Limited Partnership d/b/a East Liberty Place North/ELPN, by and through its agent The Community Builder."

Defendant with the Complaint on or before October 7, 2014. On October 7, 2014, Plaintiff timely filed his Response and indicated in it that the summons he sent to Defendant went to the wrong address. See doc. no. 7.

In the interim, on October 1, 2014, Defendant filed a Motion to Dismiss and Brief in Support under Fed.R.Civ.P. 12(b)(4) and 12(b)(5). To this end, the Defendant claimed that he not been adequately served in accordance with Fed.R.Civ.P. 4(m).

The Federal Rules of Civil Procedure govern the procedure in all civil actions in the United States District Courts. Fed.R.Civ.P. 1. Those rules, including the discovery obligations they impose, are thus fully applicable in this civil action.

This Court, mindful of Plaintiff's *pro se* status, will provide him with another fourteen (14) days, until November 5, 2014, to properly serve Defendant in accordance with the Federal Rules of Civil Procedure. See Fed.R.Civ.P. 4(m). Should Plaintiff fail to do so, Defendant may renew its Motion to Dismiss.

An appropriate Order shall follow.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel  
and  
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