

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

AYALA-SANTIAGO, ET AL.

Plaintiff,

v.

CIV. NO. 15-1033 (PG)

PUERTO RICO PUBLIC BUILDING
AUTHORITY, ET AL.

Defendant.

ORDER

On January 15, 2015, the plaintiff filed the above-captioned complaint. See Docket No. 1. Federal Rule of Civil Procedure 4(b) states that "upon or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is in proper form, the clerk shall sign, seal, and issue it to the plaintiff for service on the defendant." FED.R.CIV.P. 4(b). Rule 4(m) then states that service of the summons and complaint shall be made upon a defendant within 120 days after the filing of the complaint. FED.R.CIV.P. 4(m). Otherwise, the Court must dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time. (Emphasis supplied). Id.

On May 21, 2015, that is, 126 days after the complaint was filed, Plaintiff requested the issuance of summons and a thirty day extension of time to serve defendants. See Docket No. 4. As an excuse, plaintiff adduced that failure to submit the summons was "an unintended omission" and a "clerical error." Id.

The Court granted plaintiff's request and summons was issued on June 22, 2015. See Docket Nos. 5 and 6. The thirty-day extension has now elapsed and plaintiff has not yet filed a proof of service.

In light of plaintiff's repeated failure to comply with the Rules, and pursuant to our authority to do so, the Court hereby **DISMISSES WITHOUT PREJUDICE** the plaintiff's claim. Judgment dismissing this case without

prejudice shall be entered forthwith.

IT IS SO ORDERED.

In San Juan, Puerto Rico, July 23, 2015.

S/ JUAN M. PEREZ-GIMENEZ
JUAN M. PEREZ-GIMENEZ
U.S. District Judge