

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 29, 2018**

UNITED STATES DISTRICT COURT SEAN F. MCAVOY, CLERK  
EASTERN DISTRICT OF WASHINGTON

ROY D. CHEESMAN,

Plaintiff,

v.

DETECTIVE JENNIFER MARGHEIM,

CORPORAL JASON BRUNK, and

OFFICER LUCAS ANDERSON,

Defendants.

No. 1:18-cv-03017-SAB

**ORDER DENYING  
DEFENDANT’S RULE 12(b)  
MOTION TO DISMISS**

Before the Court is Defendants’ Rule 12(b) Motion to Dismiss. ECF No. 9. The motion was heard without oral argument. Plaintiff is proceeding *pro se*. Defendants are represented by Kirk A. Ehliis.

Defendants ask the Court to dismiss without prejudice because Plaintiff failed to serve his Summons and Complaint in compliance with Fed. R. Civ. P. 4(m). At the time the motion was filed, Defendants had not been served.

Previously, the Court entered an order directing service and permitting Plaintiff to ask the U.S. Marshals Service to assist him in serving Defendants. It appears Plaintiff timely provided the U.S. Marshals Service with the appropriate Forms on August 8, 2018, and Defendants were served by the United States Marshals Service on September 26, 2018. ECF Nos. 13, 14, and 15.

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**ORDER DENYING  
DEFENDANT’S RULE 12(B) MOTION TO DISMISS ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendants' Rule 12(b) Motion to Dismiss, ECF No. 9, is **DENIED**,  
3 as moot.

4 2. Plaintiff's Motion for Continuance, ECF No. 16, is **DENIED**, as  
5 moot. A telephonic pretrial scheduling conference will be set by separate notice  
6 after Defendants have filed their answer. At that time, the trial date will be set and  
7 a scheduling order will be entered.

8 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
9 and forward copies to Plaintiff and counsel.

10 **DATED** this 29th day of November 2018.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive style and is positioned above a horizontal line.

Stanley A. Bastian  
United States District Judge