



(PC) Rausch v. Dr. Moore, et al.

2022 | Cited 0 times | E.D. California | February 11, 2022

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

STEVE RAUSCH,

Plaintiff, v. DR. MOORE, et al.,

Defendants.

Case No. 1:21-cv-00502-AWI-EPG (PC)

ORDER GRANTING EX PARTE APPLICATION FOR A 45-DAY EXTENSION OF TIME TO SERVE SUMMONS AND COMPLAINT (ECF No. 29.) to 42 U.S.C. § 1983 ex parte application for a 45-day extension of time to serve Defendant Dr.

Moore with the summons and complaint. (ECF No. 29.)

Plaintiff initially commenced this case on March 24, 2021, by filing a complaint against the United States of America pursuant to the Federal Tort Claims Act and 42 U.S.C. § 1983. (ECF No. 1.) The United States subsequently filed a motion to dismiss, and Plaintiff filed a First Amended Complaint naming Dr. Moore and six unknown individuals as defendants. (ECF Nos. Nos. 25, 26.) On November 12, 2021, the Clerk of Court issued summons as to Dr. Moore. (ECF

No. 28.) ///

Plaintiff filed his ex parte application for an extension of time to serve Dr. Moore on February 10, 2022. (ECF No. 29.) According to the application, Plaintiff was unaware of Dr. nded Complaint was filed, but received documents on December 2, 2021, identifying Dr. Moore as Dr. Thomas Moore. (Id.) However, Plaintiff still does not have his contact information and does not know where to serve him. (Id. need to hire a Id.)

after the complaint is filed, the court on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant or order that service be made within a Id.

Having considered the request, the Court will grant Plaintiff a 45-day extension of time to serve Dr. Moore. However, no further extensions will be granted absent good cause, which will be narrowly



(PC) Rausch v. Dr. Moore, et al.

2022 | Cited 0 times | E.D. California | February 11, 2022

construed. If Plaintiff requests any further extensions of the service deadline, he must show that he has been diligent in attempting to serve Dr. Moore and should explain all steps that he has taken to accomplish service.

Accordingly, IT IS HEREBY ORDERED that: 1. ex parte application for an extension of time to serve Defendant Dr. Moore

with the summons and complaint (ECF No. 29) is granted; 2. Plaintiff shall serve Defendant Dr. Moore with the summons and First Amended

Complaint on or before March 28, 2022.

IT IS SO ORDERED.

Dated: February 11, 2022 /s/ UNITED STATES MAGISTRATE JUDGE

