

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANTHONY MCGRIFF,

Plaintiff,

v.

MEGAN BRENNAN, Postmaster General of
the United States,

Defendant.

Civil Action No. 17-1973 (RDM)

MEMORANDUM OPINION

Plaintiff filed the Complaint in this action on September 25, 2017 against Megan Brennan, in her official capacity as Postmaster General, and, accordingly, was required to effect service on or before December 24, 2017. On January 12, 2018, the Court issued an order noting that Plaintiff had failed to file timely proof of service and directing Plaintiff's attention to Federal Rule of Civil Procedure 4(m), which provides in pertinent part:

If a defendant is not served within 90 days 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 specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). In light of the Plaintiff's failure to comply with Rule 4(m), the Court ordered that, on or before January 19, 2018, "the Plaintiff shall either cause process to be served upon the Defendant and proof of service to be filed with the Court or establish good cause for the failure to do so," and the Court emphasized that "[f]ailure to make such filings will result in dismissal of this case." Dkt. 6 at 1–2.

Because Plaintiff has failed to cause process to be served within 90 days after filing his complaint, and has failed to show cause why his action should not be dismissed without prejudice for failure to prosecute pursuant to Rule 4(m), the Court will dismiss this action without prejudice. A separate order will issue.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: February 1, 2018