

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

MALIBU MEDIA, LLC,)
)
 Plaintiff,)
)
 v.) Civil Action No. 12-CV-0237
)
 JOHN DOES 1-11,)
)
 Defendants.)
 _____)

**DEFENDANT J. DOE’S (IP ADDRESS 68.32.163.95)
MOTION TO DISMISS PURSUANT TO FRCP 4(m)**

COMES NOW Defendant J. Doe, identified by Plaintiff as IP Address 68.32.163.95 (hereinafter “Defendant”), by and through undersigned counsel, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, and respectfully requests this Honorable Court to dismiss Plaintiff Malibu Media, LLC’s (hereinafter “Plaintiff”) Complaint against Defendant, who states as follows:

1. Pursuant to Fed. R. Civ. P. 4(m), this Motion is brought 120 days after Plaintiff filed the Complaint on February 10, 2012 against John Does 1-11.
2. It is undisputed that Defendant did not receive service of process of the Complaint.
3. As Fed. R. Civ. P. 4(m) provides, “if service of the summons and complaint is not made upon a defendant within an 120 days after the filing of the complaint, the court, upon motion...shall dismiss the action”.
4. The Court has granted an extension of time three times in this case to allow Plaintiff to effectuate service on Defendant by October 4, 2012.

WHEREFORE, Defendant J. Doe (IP Address 68.32.163.95) respectfully requests the Court to dismiss the Complaint due to Plaintiff's failure to effectuate service on Defendant, or in the alternative, to dismiss Defendant from the case because Plaintiff has not served Defendant within 120 days of filing or the time ordered by this Court.

This, the 5th day of October, 2012.

Respectfully submitted,

S/ Erika R. Adams

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this, the 5th day of October, 2012, a true and correct copy of the foregoing document was served on counsel for Plaintiff, Jon A. Hoppe, via the CM/ECF system.

S/ Erika R. Adams

Erika R. Adams, Esq.
Johnson Law Group Intl., PLLC