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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

vs.
ROONEY ROCKS, an alias,

Defendant.

CASE NO. 10cv2395 WQH (RBB)
ORDER

HAYES, Judge:

On September 13, 2010, Plaintiff filed the Complaint. (ECF No. 1). To date, proof of service has not been filed for Defendant Rooney Rocks.¹

Federal Rule of Civil Procedure 4 requires that a summons and complaint be served “within 120 days after the complaint is filed.” Fed. R. Civ. P. 4(m). If a plaintiff fails to serve the summons and complaint within that time limit, the court may dismiss the action without prejudice after notice to the plaintiff. *Id.*

This Order constitutes notice to Plaintiff that the Court will dismiss this action without prejudice on or after **Monday November 21, 2011**, unless, no later than that date, Plaintiff files either (1) proof that service of the summons and complaint was timely effectuated *or* (2) a declaration under penalty of perjury showing good cause for failure to timely serve the


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¹ Plaintiff also named Spankwire, LTD and Manwin Canada as defendants; however, Plaintiff has voluntarily dismissed its claims against Defendants Spankwire, LTD and Manwin Canada.

1 Defendant with the summons and complaint accompanied by a motion for leave to serve
2 process outside of the 120 day period.

3 **IT IS SO ORDERED.**

4 DATED: October 31, 2011

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6 **WILLIAM Q. HAYES**
7 United States District Judge

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