

UNITED STATES OF AMERICA
DISTRICT OF NEVADA

Righthaven LLC v. Michael Leon; Civil Action No 2:10-CV-01672-GMM-LRN; (Case No.: 2:10-cv-01672)

MOTION TO DISMISS

Comes now Michael Leon, *pro se*, and moves this Honorable Court to dismiss this action against him and states as grounds therefore as follows:

)
Plaintiff) MOTION TO DISMISS
)
V.)
)
MICHAEL LEON, et al.)
)
Defendants)

FILED
APR 14 2011
CLERK OF DISTRICT COURT
DISTRICT OF NEVADA



The Complaint, which was served upon defendant, Michael Leon, on 03/06/2011, 159 days prior to summons-served date. Before and during this 159-day period, plaintiff made no effort to contact Leon for an allegation that does not appear to have any basis in fact.

Leon was served beyond the deadline set forth in Rule 4 of the **Federal Rules of Civil Procedure (m) Time Limit for Service**. Vis: "If a defendant is not served within 120 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. Pro. Rule 4(m)

Leon was personally served with the Complaint on 03/06/2011. Plaintiff filed the Complaint with the Court on 09/27/2010, 159 days prior to the date of service. Plaintiff never requested an extension or demonstrated good cause for its failure to serve within the 120-day time period. Accordingly, Leon respectfully requests that this action be dismissed.

I plead with the Court to dismiss this claim.

WHEREFORE, Michael Leon, *pro se*, prays that he be dismissed as a defendant in the above-styled case.

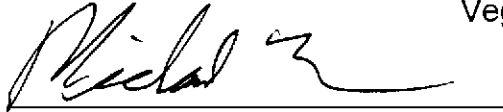
Points and Authorities
Fed. R. Civ. Pro. Rule 4(m)

Respectfully submitted,

Michael Leon
Pro Se
5767 Monticello Way
Fitchburg, WI 53719

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I have mailed a copy of the foregoing Motion to Dismiss by first class mail postage prepaid this 11 day of April 2011 to Shawn A. Mangano, Esq, Joseph C. Chu, Esq., Righthaven LLC, 9960 West Cheyenne Ave., Suite 210, Las Vegas, NV 89129-7701.

A handwritten signature in black ink, appearing to read "Michael", followed by a horizontal line.

Michael Leon