

1 **NOA**

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8 *Attorney for Plaintiff Jose DeCastro*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11
12 JOSE DECASTRO,

13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE
16 DEPARTMENT, et al.,

17 Defendants.
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21
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Case No.: 2:26-cv-00373-APG-MDC

**SECOND EX PARTE MOTION TO
EXTEND TIME TO EFFECTUATE
SERVICE**

23 COMES NOW, Plaintiff JOSE DECASTRO, by and through counsel Michael Mee, Esq.,
24 hereby movies this Court for a second Extension of Time to Effectuate Service, for the reasons set
25 forth herein, and supported by the attached Memorandum of Points and Authorities.

26 Dated this 31st day of July, 2026.

/s/ Michael Mee, Esq.
MICHAEL MEE, ESQ.
Nevada Bar #: 13726

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff filed the Complaint on February 13, 2026, and while acting pro per, submitted to the Clerk and had issued a single summons as to all Defendants (ECF Nos. 2–3). Decastro, while still pro per, requested and obtained an extension of time for service, where the Court previously extended the time for service to July 31, 2026 (ECF No. 9).

Within that period Plaintiff's process server attempted to serve all five Defendants at the Las Vegas Metropolitan Police Department, 400 South Martin Luther King Boulevard, Las Vegas, Nevada. The Department's Office of General Counsel declined the single summons, explaining that it required a summons individualized to each Defendant, but represented that it would accept service on behalf of all five upon receipt of individualized summonses. (Decl. of Counsel, Ex. A.).

Rule 4(m) requires the Court to extend the time for service upon a showing of good cause, and, even absent good cause, permits an extension in the Court's discretion. Good cause exists here. Plaintiff realized he, acting pro per, needed assistance to comply with the service timeline in this matter, he obtained counsel, however due to objections to the form of the Summons which was submitted pro per, Defendants declined to accept service until the clerical correction was made. They have, on that basis, actual notice of the suit, and there is no prejudice if time is briefly permitted to correct the summons and re-serve defendants as indicated. Any issues which occurred thus far in this matter, were a result of Plaintiff acting pro per, and as such will promptly be corrected now that counsel has entered the case.

1 Accordingly, Plaintiff respectfully requests that the Court extend the time for service by
2 thirty (30) days from the date of its order, permit the issuance and service of a separate summons
3 individualized to each Defendant, and direct that proofs of service be filed within that period.
4

5 Dated this 31st day of July, 2026.

6 /s/ Michael Mee, Esq.
7 MICHAEL MEE, ESQ.
8 Nevada Bar #: 13726
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DECLARATION OF COUNSEL

I, Michael Mee, declare as follows:

1. I am an attorney duly licensed to practice before this Court, and I am counsel of record for Plaintiff Jose DeCastro, having appeared in this action contemporaneously with the filing of this motion.
2. Plaintiff commenced this action in proper person on February 13, 2026, and the Clerk issued a single summons as to all Defendants that same day in the form submitted by Plaintiff acting Pro Per
3. On May 14, 2026, the Court issued a notice of its intent to dismiss under Rule 4(m), and Plaintiff, then self-represented, timely moved ex parte to extend the time for service.
4. On June 15, 2026, the Court granted that motion and extended the deadline for service to July 31, 2026.
5. Within that extended period, on July 31, 2026, a licensed process server was engaged to serve the five Defendants at the offices of the Las Vegas Metropolitan Police Department, located at 400 South Martin Luther King Boulevard, Las Vegas, Nevada.
6. That I was informed by the process server's written status report, dated July 31, 2026, that when service was attempted, an employee of the Department's Office of General Counsel declined to accept the single summons issued as to all Defendants, stating that the office required a summons individualized to each Defendant because one general summons did not provide sufficient clarity, and further stating that upon receipt of individualized summonses the office would accept service on behalf of all five Defendants.
7. Now that counsel has appeared, Plaintiff is prepared to request that the Clerk issue a separate summons individualized to each of the five Defendants, to effect service in the

1 manner the Office of General Counsel has agreed to accept, and to file the corresponding
2 proofs of service.

3 8. That a period of thirty (30) days is sufficient to accomplish these steps.

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5 9. That this extension is not sought for any improper purpose or for delay, and I am aware of
6 no prejudice that the Defendants would suffer as a result.

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8 I declare under penalty of perjury under the laws of the United States of America that the foregoing
9 is true and correct.

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11 Dated this 31st day of July, 2026.

12 /s/ Michael Mee, Esq.
13 MICHAEL MEE, ESQ.
14 Nevada Bar #: 13726
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Plaintiff's
SECOND MOTION TO EXTEND TIME TO EFFECTUATE SERVICE was served upon those
parties registered to receive electronic service in the above-captioned matter.

Dated this 31st day of July, 2026.

/s/ Michael Mee, Esq.
MICHAEL MEE, ESQ.
Nevada Bar #: 13726