

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 Jose Decastro,

4 Plaintiff(s),

5 vs.

6 Las Vegas Metropolitan Police Department,

7 Defendant(s).

2:26-cv-00373-APG-MDC

**ORDER GRANTING MOTION TO
EXTEND TIME FOR SERVICE (ECF NO.
11)**

8 Plaintiff filed a *Motion to Extend Time for Service* (“Motion”)(ECF No. 11). The Court
9 **GRANTS** the Motion.

10 **I. LEGAL STANDARD**

11 The Federal Rules of Civil Procedure provide for service within the United States pursuant to
12 the law of the state in which the district court is located, or in which service is made. See, e.g., FRCP
13 4(e)(1). Rule 4 states that “the plaintiff is responsible for having the summons and complaint served
14 within the time allowed by Rule 4(m)[.] The Federal Rules of Civil Procedure provide for service
15 within the United States and authorize extensions of time for good cause. See, e.g., Fed. R. Civ. P.
16 4(m).

17 There are several factors courts consider in evaluating a party's due diligence, including the
18 number of attempts made to serve the defendant at his residence and other methods of locating
19 defendants, such as consulting public directories and family members. See *Price v. Dunn*, 106 Nev.
20 100, 102-104, 787 P.2d 785, 786-787 (Nev. 1990). Regarding extensions, “a district court may
21 consider factors ‘like statute of limitations bar, prejudice to the defendant, actual notice of a lawsuit,
22 and eventual service.’” *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007) (quoting *Troxell v.*
23 *Fedders of N. Am. Inc.*, 160 F.3d 381, 383 (7th Cir. 1998)).

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1 **II. ANALYSIS**

2 Plaintiff filed this case as a pro se litigant, but plaintiff has now obtained counsel. *ECF No. 11*.
3 Plaintiff previously sought one other extension of time for service, but plaintiff had issues completing
4 service as a pro se litigant. *Id.* Plaintiff argues that now that he has counsel, he believes counsel will be
5 able to complete service. *Id.* The Court grants the request.

6 **IT IS ORDERED that:**

- 7 1. Plaintiffs' *Motion to Extend Time for Service* (ECF No. 11) is **GRANTED**.
8 2. Plaintiff has until **October 15, 2026** to serve the defendants.

9 DATED: September 15, 2026.

10 IT IS SO ORDERED.
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14 Hon. Maximiliano D. Couvillier III
15 United States Magistrate Judge
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