

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SEALED PLAINTIFF 1,

and

SEALED PLAINTIFF 2,

Plaintiffs,

v.

Civil Action No. 3:22-cv-00670

PATRIOT FRONT, *et al.*,

Defendants.

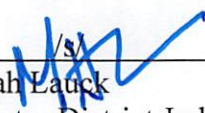
ORDER

This matter comes before the Court on the Clerk's Notice of the Clerk's Intention to Proceed With Abatement, (ECF No. 91), Plaintiffs' Response to Notice of the Clerk's Intention to Proceed with Abatement and Motion for Leave to Take Limited Discovery, (ECF No. 92), and Plaintiffs Notice of Withdrawal of Motion and Suggestion of Mootness, (ECF No. 110). On June 8, 2023, the Clerk filed a Notice of the Clerk's Intention to Proceed with Abatement as to Defendant Jacob Brown. (ECF No. 91, at 1.) Plaintiffs served Defendant Jacob Brown in person on September 5, 2023, and filed proof of service on September 11, 2023. (ECF No. 109, at 2.) Citing ECF No. 109, Plaintiffs request that the Court "deny as moot Plaintiffs' Motion for Leave to Take Limited Discovery and the Notice of the Clerk's Intention to Proceed with Abatement [(ECF No. 92)]." (ECF No. 110, at 1.) Accordingly, the Court DENIES AS MOOT Plaintiffs' Motion for Leave to Take Limited Discovery. (ECF No. 92.)

Furthermore, upon due consideration and pursuant to Federal Rule of Civil Procedure 4(m)¹, the Court finds that Plaintiffs have shown good cause for why service was not made within the 90-day period. Plaintiffs' September 5, 2023 service on Mr. Brown is deemed timely. The Court ORDERS the Clerk not to proceed with abatement under Rule 4(m).

It is SO ORDERED.

Date: 09/19/23
Richmond, Virginia



M. Hannah Lauck
United States District Judge

¹ Federal Rule of Civil Procedure 4(m) provides, in relevant part:

(m) TIME LIMIT FOR SERVICE. If a defendant is not served within 90 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. P. 4(m) (emphasis added).