

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BRIAN CHARLES VAETH

*

Plaintiff

*

v

*

Civil Action No. ELH-18-1600

MAYOR & CITY COUNCIL OF

*

BALTIMORE,

FIRE & POLICE EMPLOYEES'

*

RETIREMENT SYSTEM OF BALTIMORE

*

Defendants

ORDER

The above-captioned Complaint was filed with the full filing fee, and therefore plaintiff Brian Charles Vaeth bears the responsibility for effecting service of process on defendants.

Plaintiff may effectuate service by presenting summons to the Clerk for signature and seal and then serving a copy of the summons and Complaint on Defendants. Plaintiff has provided summons to the Clerk. Pursuant to Fed. R. Civ. P. 4(c)(2), service of a summons and complaint may be effected by any person who is not a party and who is at least 18 years of age. Plaintiff is reminded that under Fed. R. Civ. P. 4(l), the person effecting service of the summons and complaint must promptly notify the court, through an affidavit, that he or she has served defendants.¹

Under Fed. R. Civ. P. 4(j), service upon a state, municipal corporation or other state – created governmental organization subject to suit shall be effected by delivering a copy of the

¹ If plaintiff does not use a private process server, and instead uses certified mail, restricted delivery, return receipt requested, to make service, plaintiff must file with the Clerk the United States Post Office acknowledgment as proof of service.

summons and complaint to its chief executive officer; or by serving the summons and complaint in the manner prescribed by the law of the state for the service of summons or other like process upon any such Defendant. Maryland Rule 2-121(a) governs service of process on individuals; Maryland Rule 2-124(l) governs service on an officer or agency of a local government; Maryland Rule 2-124(j) governs service of process on the State of Maryland; and Maryland Rule 2-124(k) governs service of process on an officer or agency of the State of Maryland. Both LexisNexis and Westlaw provide free public access to the Maryland Rules.

If there is no record that service was effectuated on defendants, plaintiff risks dismissal of this case. Pursuant to Fed. R. Civ. P. 4(m) and Local Rule 103.8.a., if a party demanding affirmative relief has not effectuated service of process within 90 days of filing the complaint, the court may enter an order asking the party to show cause why the claims should not be dismissed. If the party fails to show cause within the time as set by the court, the complaint shall be dismissed without prejudice.

Accordingly, it is this 12th day of June, 2018, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Clerk TAKE ALL NECESSARY STEPS to prepare and issue summons and to return summons to Plaintiff. If service copies of the Complaint were provided, the Clerk SHALL RETURN them to the Plaintiff; and
2. The Clerk SHALL SEND a copy of this Order to plaintiff.

/s/
Ellen L. Hollander
United States District Judge