

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DOUGLAS R. MCCARROLL,
PLAINTIFF,

v.

CRYSTAL KIMBALL, ET AL.,
DEFENDANTS.

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CIVIL ACTION NO. 3:09cv934(VLB)

FEBRUARY 14, 2012

**ORDER DENYING IN PART DEFENDANT ATLANTA PSYCHOLOGY ASSOCIATES
AND COMMUNITY SOLUTION INC. AND ELAINE COHEN'S MOTIONS TO DISMISS
[DKT. ## 27 and 32]**

The Court denies in part Atlanta Psychological Associates and Community Solutions Inc. and Elaine Cohen's motions to dismiss on the basis of Plaintiff's failure to comply with Fed. R. Civ. P 4(m) which permits the Court to dismiss an action if a defendant is not served within 120 days after the complaint has been filed. The complaint was filed in the instant action on June 20, 2011 and pursuant to Fed. R. Civ. P. 4(m) the complaint should have been served on or before October 8, 2011. Plaintiff, who is proceeding pro se, was granted leave to proceed in forma pauperis on June 14, 2011. In response to the Court's order to show cause [Dkt. #15], Plaintiff indicated that he filled out the required USM 285 forms for service and submitted them to the Clerk on October 3, 2011 within the 120 day time period under Rule 4(m). Atlanta Psychological Associates were served on November 9, 2011 and Community Solutions Inc. and Elaine Cohen were served on November 29, 2011.

"Rule 4(m) permits the Court to extend the time for service where good cause for delay exists, and therefore to deny a motion to dismiss where service

