

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHRISTINA CLEMENT,	:	
	:	
Plaintiff,	:	Civil Action No.: 24-479 (RC)
	:	
v.	:	
	:	
MERRICK GARLAND,	:	Re Document Nos.: 77, 78, 79, 83
Attorney General of the United States,	:	
	:	
Defendant.	:	

ORDER

On February 13, 2024, Plaintiff filed this suit against Attorney General Merrick Garland. Before serving Defendant Garland, Plaintiff filed a motion to amend her complaint to add Chief Justice John Roberts, the Secretary General of the United Nations, Registrar-Peace Palace Carnegie Pleinz, and “others,” as defendants in this case. *See* Mot. Amend Comp., ECF No. 8. On August 9, 2024, the Court ordered Plaintiff’s Amended Complaint to be filed on the docket pursuant to Federal Rule of Civil Procedure 15(a)(1). *See* August 9, 2024 Order, ECF. No. 56; Fed. R. Civ. P. 15(a)(1). Simultaneously, the Court denied nine of Plaintiff’s motions because Plaintiff had not served Defendants pursuant to Federal Rule of Civil Procedure 4(m).¹ *Id.*; Fed. R. Civ. P. 4(c)(1). The Order also included specific instructions for how to properly serve Defendants, including how Plaintiff should serve Defendant Garland as required by Rule 4. *Id.*

¹ The Court denied Plaintiff’s Motion for Default Judgment (ECF No. 5), Plaintiff’s Motion for Entry of Default (ECF No. 12), Plaintiff’s Motion for Summary Judgment (ECF No. 14), Plaintiff’s Motion for Entry of Final Judgment (ECF No. 25), Plaintiff’s Motion to Validate Affidavit of Service (ECF No. 38), Plaintiff’s Motion for Additional Service (ECF No. 42), Plaintiff’s Motion for Bill of Costs (ECF No. 46), Plaintiff’s Motion to Expedite (ECF No. 51), and Plaintiff’s motion opposing Defendants’ motion for extension of time (ECF No. 3). August 9, 2024 Order, ECF. No. 56.

Even after the Court's August 9, 2024 Order, Plaintiff had still not properly served Defendants. Accordingly, in its September 18, 2024 Order, the Court ordered Plaintiff to show cause for failure to serve Defendants and explain why the Court should not dismiss this action. *See* ECF No. 74. Plaintiff filed a timely response to the Court's Show Cause Order, but she failed to address why she had not properly served Defendants. *See* Pl.'s Resp. to Sept. 18, 2024 Order, ECF No. 81. Instead, Plaintiff claims that she did properly serve Defendants and points to her previously filed Affidavit of Service and Declaration as proof that she properly served Defendants, including Attorney General Garland. *See* Affidavit of Service, ECF No. 72, 76; Pl.'s Decl., ECF No. 76-3.

To effect service, a "summons must be served with a copy of the complaint" on the defendant and it is the plaintiff's responsibility to have "the summons and complaint served within the time allowed" by Federal Rule of Civil Procedure 4(m). Fed. R. Civ. P. 4(c)(1). In turn, the court must dismiss the action without prejudice, or order that service be made within a specified time, "if the defendant is not served within 90 days after the complaint is filed." Fed. R. Civ. P. 4(m). While this timeframe does not apply for service on an international defendant, where courts use a "flexible due diligence" standard to determine whether service of process was timely, *Ashraf-Hassan v. Embassy of France in U.S.*, 878 F. Supp. 2d 164, 174 (D.D.C. 2012), it does apply to defendants served in the United States, such as the Attorney General. The Federal Rules of Civil Procedure specify that to serve a United States officer or employee, a party must serve the United States as well as that individual. Fed. R. Civ. P. 4(i)(2). To serve the United States, the plaintiff may "deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with

the court clerk” or “send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney’s office.” Fed. R. Civ. P. 4(i)(1).

The relevant United States attorney in this case is the United States attorney for the District of Columbia. Therefore, to properly serve the Attorney General, Plaintiff must have also served the U.S. attorney for the District of Columbia, as she was previously instructed to do so by the Court. Prior to issuing this Order to dismiss Plaintiff’s claims, the Court gave Plaintiff ample opportunity to properly serve Defendants and instructed Plaintiff twice on how to properly do so. *See* August 9, 2024 Order; September 18, 2024 Order; *see also Moore v. Agency for Int’l Dev.*, 994 F.2d 874, 876 (D.C. Cir. 1993) (“*Pro se* litigants are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleadings.”) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). Nonetheless, Plaintiff refuses to follow the Court’s instructions or show an attempt to serve the U.S. attorney.

While Plaintiff claims to have mailed both the summons and complaint to Attorney General Garland on July 15, 2024, she has not shown that she also served the U.S. attorney for the District of Columbia, let alone within the required 90 days after the complaint was filed per Rule 4(m). *See* Affidavit of Service. Moreover, Plaintiff has not provided any reason for her failure to serve the relevant U.S. attorney even though the Court’s Show Cause Order gave Plaintiff “notice of the consequences of not complying with procedural rules.” *See* September 18, 2024 Order; *Moore*, 994 F.2d at 876. Thus, the assistance provided by this Court “does not constitute a license for a plaintiff filing *pro se* to ignore the Federal Rules of Civil Procedure.” *Moore*, 994 F.2d at 876 (citing *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987)).

Further, Plaintiff has failed to properly serve the international defendant. Plaintiff named “Registrar-Peace Palace Carnegie Pleinz” in Netherlands as a defendant in her Amended

Complaint, ECF No. 58, and claims to have sent the complaint via mail, *see* Pl.’s Affidavit of Service. It is unclear from Plaintiff’s case filings if Defendant Registrar-Peace Palace Carnegie Pleinz is an individual or an entity. Nonetheless, service for the international defendant was improper. If Defendant is an individual, Federal Rule of Civil Procedure 4(f) applies, and service is governed by the Hague Service Convention. *See* Fed. R. Civ. P. 4(f). “Service by mail is permissible if two conditions are met: first, the receiving state has not objected to service by mail; and second, service by mail is authorized under otherwise-applicable law.” *Water Splash, Inc. v. Menon*, 581 U.S. 271, 284 (2017). Here, the Netherlands does not object to service by mail, *see* Article 10 of the Convention, and it is authorized by Rule 4(f)(2)(C)(ii), *see* Fed. R. Civ. P. 4(f)(2)(C)(ii) (“[U]sing any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt.”). However, Plaintiff did not satisfy the second prong because although she sent service by mail, Rule 4(f) describes the clerk’s involvement in serving a foreign party, and Plaintiff did not address the clerk nor did the international defendant sign receipt of such mail. *See id.* This necessary step is further outlined in a detailed guide compiled by the Clerk’s Office, which requires Plaintiff to file and docket an “Affidavit Requesting Foreign Mailing” and submit necessary documents to the Clerk’s Office for service by mail. *See* Clerk’s Office Procedures for Service of Process on a Foreign Defendant, United States District Court for the District of Columbia, <https://www.dcd.uscourts.gov/sites/dcd/files/AttyManualForeignMlg2024.pdf> (July 2024).

Alternatively, if Defendant is an entity, service was still improper because Plaintiff did not meet the requirements under 28 U.S.C. § 1608. Service by mail under § 1608(a) and (b) require Plaintiff to direct the clerk to “address[] and dispatch[]” a copy of the summons, complaint, and translation of each into the official language of the foreign state. 28 U.S.C. § 1608(a)(3) and §

1608(b)(3). Without going further, Plaintiff failed to satisfy both sections because she only included the complaint and apostille, and not the summons or translation of each. Accordingly, Plaintiff did not follow the Court's Clerk's Office procedure for service of process on an international defendant.

Because Plaintiff has still not served Defendants, it is hereby **ORDERED** that Plaintiff's Motion for Entry of Default (ECF No. 77), Motion for Injunction (ECF No. 78), Motion to Establish Justice (ECF No. 79), and Motion to Compel (ECF No. 83) are **DENIED**. It is **FURTHER ORDERED** that Plaintiff's claims are dismissed without prejudice for failure to serve Defendants pursuant to Federal Rule of Civil Procedure 4(m).

SO ORDERED.

Dated: October 28, 2024

RUDOLPH CONTRERAS
United States District Judge