

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Caleb Perry v. Weill Cornell Medical College

No. 25-CV-8504 (JLR) (S.D.N.Y. Dec. 5, 2025) · No. 25-CV-8504 (JLR) · Decided December 5, 2025

SUMMARY

The United States District Court for the Southern District of New York orders service of a pro se plaintiff’s complaint against Weill Cornell Medical College. Because the plaintiff was granted in forma pauperis status, the court directs the Clerk of Court to issue a summons and arrange service through the U.S. Marshals Service, with service due within 90 days after issuance of the summons.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Jennifer L. Rochon
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 5, 2025
DOCKET	25-CV-8504 (JLR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and having been granted in forma pauperis status, brought employment-discrimination claims and sought service of process through the court and the U.S. Marshals Service. The district court issued an order directing the Clerk of Court to issue a summons and provide the necessary documents to the Marshals Service for service on Defendant.
PRECEDENTIAL VALUE	Unknown

TOPICS

- service of process
- civil procedure
- title vii
- employment discrimination
- racial discrimination

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether a plaintiff proceeding in forma pauperis is entitled to rely on the court and the U.S. Marshals Service to effect service.
2. Whether the time for service should be extended to 90 days after issuance of the summons where the plaintiff could not have effected service before the court issued process.

HOLDINGS

1. A plaintiff authorized to proceed in forma pauperis is entitled to rely on the court and the U.S. Marshals Service to effect service, and the court must order the Marshals Service to serve process.
2. Where an in forma pauperis plaintiff could not effect service until the court reviewed the complaint and ordered issuance of a summons, the time to serve is extended to 90 days after the summons issues.

KEY QUOTATIONS

“Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.”

“The Clerk of Court is directed to issue a summons for Defendant, complete the USM-285 form with the address for Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.”

FACTUAL BACKGROUND

Plaintiff alleges that his employer, Weill Cornell Medical College, discriminated against him based on race and sex. He is proceeding pro se and was authorized to proceed in forma pauperis, preventing him from effecting service until the court reviewed the complaint and ordered issuance of process.

PROCEDURAL HISTORY

Plaintiff filed an action under Title VII, 42 U.S.C. § 1981, and the New York State and New York City Human Rights Laws. On December 4, 2025, the court granted Plaintiff leave to proceed in forma pauperis. On December 5, 2025, the court entered this Order of Service directing issuance of a summons and service by the U.S. Marshals Service.

DISPOSITION

other

CASES CITED

- Walker v. Schult, 717 F.3d 119, 123 n.6 (2d Cir. 2013)
- Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK CALEB PERRY, Plaintiff, 25-CV-8504 (JLR) -against- ORDER OF SERVICE WEILL CORNELL

MEDICAL COLLEGE, Defendant. JENNIFER L. ROCHON, United States District Judge: Plaintiff, who is proceeding pro se, brings this action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and the New York State and New York City Human Rights Laws, alleging that his employer discriminated against him based on his race and sex.

By order dated December 4, 2025, the Court granted Plaintiff's request to proceed in forma pauperis ("IFP"), that is, without prepayment of fees. DISCUSSION Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ Walker v. Schult, 717 F.3d. 119, 123 n.6 0F (2d Cir. 2013); see also 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process... in [IFP] cases."); Fed.

R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). ¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued.

The Court therefore extends the time to serve until 90 days after the date any summonses issue. To allow Plaintiff to effect service on Defendant Weill Cornell Medical College through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendant.

The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant. If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir.

2012) (holding that it is the plaintiff's responsibility to request an extension of time for service). Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so. CONCLUSION The Clerk of Court is directed to issue a summons for Defendant, complete the USM-285 form with the address for Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff. SO ORDERED. Dated: December 5, 2025 New York, New York nited States District Judge SERVICE ADDRESS FOR DEFENDANT Weill Cornell Medical College 1300 York Avenue New York, NY 10065