

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Brian Daley v. Nassau County Sheriff's Department, et al.

Daley · No. 2:25-cv-7052 (NJC) (SIL) · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of New York directs pro se plaintiff Brian Daley to serve the defendants by March 23, 2026, under Federal Rule of Civil Procedure 4(m), or show good cause for failure to do so. The Order also requires filing proof of service, denies in forma pauperis status for any appeal, and directs the Clerk to mail the Order to Daley.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Nusrat J. Choudhury
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	January 12, 2026
DOCKET	2:25-cv-7052 (NJC) (SIL)
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights complaint and paid the filing fee. The court issued a summons and entered an order directing plaintiff to serve defendants within the period prescribed by Federal Rule of Civil Procedure 4(m), or to show good cause for failure to do so.
PRECEDENTIAL VALUE	unpublished district-court order

TOPICS

- service of process
- civil procedure
- injunctions
- section 1983
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. What deadline and consequences apply to plaintiff's failure to serve defendants under Federal Rule of Civil Procedure 4(m)?

2. What additional filing obligation applies after service is completed?
3. Whether an appeal from the order would qualify for in forma pauperis status under 28 U.S.C. § 1915(a)(3).

HOLDINGS

1. Plaintiff must serve defendants by March 23, 2026, or show good cause for failing to do so; otherwise, the complaint will be dismissed without prejudice.
2. After serving defendants, plaintiff must file proof of service with the court within fourteen days of service.
3. Any appeal from the order would not be taken in good faith, and in forma pauperis status is denied for purposes of any appeal.

KEY QUOTATIONS

“Accordingly, if Daley does not serve Defendants by March 23, 2026, or fails to show good cause why Defendants have not been served, the Complaint will be dismissed without prejudice.”

“The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal.”

FACTUAL BACKGROUND

Brian Daley, acting pro se, filed a complaint in federal court on December 23, 2025, and paid the filing fee. The Clerk issued a summons that day. Daley also sought a preliminary injunction, but had not provided defendants with the complaint, injunction motion, and a prior court order requiring that disclosure.

PROCEDURAL HISTORY

On December 23, 2025, Brian Daley filed the complaint and paid the filing fee, and the Clerk issued a summons the same day. Daley also filed a motion for a preliminary injunction, but had not provided defendants with the complaint, motion, and prior court order as directed. The court ordered service by March 23, 2026, required proof of service within fourteen days after service, and warned that failure to serve or show good cause would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962)

OPINION

Daley

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Brian Daley, Plaintiff, -v- 2:25-cv-7052

(NJC) (SIL)

Nassau County Sheriff's Department, et al., Defendants.

ORDER

NUSRAT J. CHOUDHURY, United States District Judge: On December 23, 2025, Brian Daley, acting pro se, filed a Complaint in this Court together with the filing fee.¹ (Compl., ECF No. 1; Fee Receipt, ECF No. 4.) That same day, the Clerk of Court issued a Summons. (Summons, ECF No. 3.) Rule 4(m) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") provides: 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). Accordingly, if Daley does not serve Defendants by March 23, 2026, or fails to show good cause why Defendants have not been served, the Complaint will be dismissed without 1 Daley also filed a motion seeking a motion for a preliminary injunction (ECF No. 3) and, by Order dated December 24, 2025, the Court ordered Daley to "file proof that he has provided the Complaint, the motion for a preliminary injunction, and this Court's Order to Defendants." (Elec. Order, dated Dec. 24, 2025). To date, Daley has not done so. prejudice. Daley is to provide a copy of this Order to Defendants along with the Summons and the Complaint. Once Daley has served Defendants, Daley must file proof of service with the Court within fourteen (14) days of service. The Court encourages Daley to consult with the Hofstra Law Pro Se Clinic, located in the Central Islip Courthouse, which can provide free information, advice, and limited scope legal assistance to non-incarcerated pro se litigants. The Court notes that the Pro Se Clinic is not part of, nor affiliated with, the United States District Court. Consultations with the Pro Se Clinic can be conducted remotely via telephone. To make an appointment, send an email to PSLAP@Hofstra.edu or leave a message at (631) 297-2575. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of the Court is respectfully directed to mail a copy of this Order to Daley at his address of record and to record such mailing on the docket. Dated: Central Islip, New York January 12, 2026

/s/ Nusrat J. Choudhury

NUSRAT J. CHOUDHURY

United States District Judge

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