

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA**

Paul T. Mak v. Theodore R. Dunham Jr., et al.

Mak v. Dunham Jr. · No. CIV-24-248-SLP · Decided March 9, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma dismissed without prejudice Plaintiff Paul T. Mak's claims against Arc, Inc. and Liam McCarthy for failure to serve them within the time required by Federal Rule of Civil Procedure 4(m). The court found that Plaintiff had neither requested an extension nor demonstrated good cause for extending the service deadline.

OPINION

Mak

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

)

PAUL T. MAK,)

Plaintiff,) v.) Case No. CIV-24-248-SLP

THEODORE R. DUNHAM JR.,)

) et al.,) Defendants.)

O R D E R

The Court is in receipt of Plaintiff Paul T. Mak's Response to Order to Show Cause [Doc. No. 55]. On January 7, 2026, the Court issued an Order [Doc. No. 52] directing Plaintiff to show cause why the claims against Defendants Arc, Inc. and Liam McCarthy should not be dismissed for failure to effect service of process within ninety days from filing of the Amended Complaint. In his Response, Plaintiff represents that he was unable to serve Arc, Inc. nor Liam McCarthy as of January 21, 2026. Because Defendants Arc, Inc. and Liam McCarthy were not served within 90 days of the filing of Plaintiff's Amended Complaint, the claims against those particular Defendants must be dismissed pursuant to Fed. R. Civ. P. 4(m).¹ See Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant."). Furthermore, Plaintiff has also not requested an extension of time to serve the referenced Defendants nor demonstrated good cause for the 1 As noted by Plaintiff, the Court permitted extensions to serve the John Doe Defendants, now identified as Defendants Arc., Inc. and Liam McCarthy, on multiple occasions. See [Doc. Nos. 30 and 37]. Defendants Arc., Inc. and Liam McCarthy were named for the first time as Defendants in

the Amended Complaint. See [Doc. No. 39]. Court to extend the time to serve Defendants Arc., Inc. and Liam McCarthy. See *id.*; *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). IT IS THEREFORE ORDERED that Plaintiff's claims against Defendants Arc, Inc. and Liam McCarthy are DISMISSED WITHOUT PREJUDICE. IT IS SO ORDERED this 9th day of March, 2026.

SCOTT L. PALK

UNITED STATES DISTRICT JUDGE