

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Adebowale Ijiyode v. Oklahoma City Police Department, et al.

Ijiyode · No. CIV-25-999-D · Decided May 8, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma found that Plaintiff Adebowale Ijiyode failed to show good cause for not serving Defendants within the period required by Federal Rule of Civil Procedure 4(m). The Court nevertheless granted a limited 30-day extension to effect service, warning that the action would be dismissed without prejudice absent proof of service or a changed procedural posture.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	May 8, 2026
DOCKET	CIV-25-999-D
DISPOSITION	other
PROCEDURAL POSTURE	The Court issued an order to show cause why the action should not be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) for failure to serve the defendants within 90 days after filing the complaint. After considering Plaintiff's response, the Court denied the showing of good cause but granted a discretionary 30-day extension to effect service.
STANDARD OF REVIEW	The Court applied Federal Rule of Civil Procedure 4(m), requiring a finding of good cause for mandatory relief and permitting discretionary consideration of whether an extension of time is warranted when good cause is absent.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- service of process
- civil procedure
- section 1983
- statute of limitations

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause for failing to serve the defendants within the time required by Federal Rule of Civil Procedure 4(m).
2. Whether the Court should exercise its discretion to extend the service deadline despite Plaintiff's failure to show good cause.

HOLDINGS

1. Plaintiff failed to establish good cause because he made no attempt to serve the defendants and deliberately chose to delay service while awaiting resolution of a related state-court proceeding.
2. Even without good cause, the Court may permissively extend the service deadline after considering pertinent factors and policy considerations; here, a limited 30-day extension was warranted.

KEY QUOTATIONS

“The plaintiff who seeks to rely on the good cause provision must show meticulous efforts to comply with the rule.”

“If the plaintiff fails to show good cause, the district court must still consider whether a permissive extension of time may be warranted.”

“Accordingly, the Court will allow a limited extension of thirty (30) days from the date of this Order to effect service of process.”

FACTUAL BACKGROUND

Plaintiff brought claims under 42 U.S.C. § 1983 against the Oklahoma City Police Department and other defendants. He made no attempt to serve the defendants within 90 days because he deliberately waited for a related state-court civil-forfeiture matter to be resolved and was seeking additional service information. The short delay had not caused significant prejudice to the defendants, but dismissal could potentially implicate the statute of limitations.

PROCEDURAL HISTORY

Plaintiff filed this civil-rights action and did not attempt to serve the defendants within the 90-day period prescribed by Rule 4(m). The Court directed Plaintiff to show cause, and Plaintiff responded that he had intentionally delayed service while awaiting resolution of a related state-court civil-forfeiture proceeding and was attempting to confirm service information. The Court found no good cause but allowed an additional 30 days for service, subject to dismissal without prejudice if proof of service was not filed.

DISPOSITION

other

CASES CITED

- Broitman v. Kirkland (In re Kirkland), 86 F.3d 172, 174, 176 (10th Cir. 1996)
- Despain v. Salt Lake Area Metro Gang Unit, 13 F.3d 1436, 1438-39 (10th Cir. 1994)
- Murphy v. City of Tulsa, 556 F. App'x 664, 668 (10th Cir. 2014)
- Espinoza v. United States, 52 F.3d 838, 841-42 & n. 8 (10th Cir. 1995)
- Lawson v. Okmulgee Cnty. Crim. Just. Auth., 726 F. App'x 685, 690 (10th Cir. 2018)

OPINION

Ijiyode

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

ADEBOWALE IJIYODE,)

) Plaintiff,)) v.) Case No. CIV-25-999-D)

OKLAHOMA CITY POLICE)

DEPARTMENT, et al.,)) Defendants.)

ORDER

Before the Court is Plaintiff's response to the Court's April 21, 2026 Order directing Plaintiff to show cause why this action should not be dismissed without prejudice for failure to effect service of process within 90 days after filing the Complaint pursuant to Fed. R. Civ. P. 4(m). [Doc. No. 4]. Plaintiff contends that service has not yet been timely effected because he has been awaiting resolution of a related state-court civil forfeiture proceeding arising from the same underlying facts as this case. Id. Plaintiff alleges that he purposefully was waiting to serve Defendants, so that two forums would not be addressing the same facts. Id. Furthermore, Plaintiff asserts that he is currently actively taking measures "to identify and confirm proper service information for all Defendants to effect service without further delay." Id. Upon consideration, the Court finds that Plaintiff has failed to show good cause for lack of timely service. Although the Tenth Circuit has not conclusively defined "good cause" for purposes of Rule 4(m), the court "has interpreted the phrase narrowly, rejecting inadvertence or neglect as 'good cause' for untimely service." Broitman v. Kirkland (In re Kirkland), 86 F.3d 172, 174 (10th Cir. 1996); see Despain v. Salt Lake Area Metro Gang Unit, 13 F.3d 1436, 1438-39 (10th Cir. 1994); accord Murphy v. City of Tulsa, 556 F. App'x 664, 668 (10th Cir. 2014). "The plaintiff who seeks to rely on the good cause provision must show meticulous efforts to comply with the rule." Kirkland, 86 F.3d at 176; Despain, 13 F.3d at 1438. In this case, Plaintiff made no attempt to serve Defendants. Rather, Plaintiff has made a deliberate, strategic decision to delay service until he felt the purportedly related state-court civil

forfeiture matter was sufficiently resolved. The question thus becomes whether the Court should exercise its discretion to allow additional time for service. See *Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995) (“If the plaintiff fails to show good cause, the district court must still consider whether a permissive extension of time may be warranted.”). In making this decision, a district court should consider any pertinent factors or policy considerations. *Id.* at 842. Examples include prejudice to the plaintiff from a dismissal “if the applicable statute of limitations would bar the refiled action;” prejudice to the defendants if additional time is allowed; a complicated service rule, such as “the complex requirements of multiple service” on federal defendants; and protecting a pro se plaintiff “from consequences of confusion or delay attending the resolution of an in forma pauperis petition.” *Id.* at 842 & n. 8. The short delay of service has not resulted in a significant prejudice to Defendants. Moreover, although the Court makes no determination regarding the statute of limitations, denying Plaintiff’s request to extend the deadline to serve Defendants may result in the statute of limitations negatively impacting Plaintiff’s claims.’ Accordingly, the Court will allow a limited extension of thirty (30) days from the date of this Order to effect service of process. Absent proof of service within the extended deadline, or a changed procedural posture of the case, this action will be dismissed without prejudice to refile and without further notice to Plaintiff. IT IS SO ORDERED this 8th day of May, 2026. In (Gu

TIMOTHY D! DeGIUSTI

UNITED STATES DISTRICT JUDGE

’ A two-year statute of limitations governs Plaintiff’s § 1983 claims. See *Lawson vy. Okmulgee Cnty. Crim. Just. Auth.*, 726 F. App’x 685, 690 (10th Cir. 2018) (“We have determined, as a matter of law, that every § 1983 claim is in essence an action for injury to personal rights, and thus apply the most analogous Oklahoma statute, which provides a two-year limitations period.” (internal citation and quotation omitted)).