

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PRECEDENTIAL VALUE	unpublished district court order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)

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