

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Caryl Danita Carby v. Central Intelligence Agency, et al.

Carby · No. 2:26-CV-0026-TOR · Decided April 8, 2026

SUMMARY

The U.S. District Court for the Eastern District of Washington denied Caryl Danita Carby’s motion to change venue and motion for an extension of time to serve the defendants. The court found the venue request unclear and determined that an extension was unnecessary because the 90-day service period under Federal Rule of Civil Procedure 4(m) had not expired.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	U.S. District Court for the Eastern District of Washington
DECIDED	April 8, 2026
DOCKET	2:26-CV-0026-TOR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to change venue and for an extension of time to serve the complaint and summons. The district court denied both motions without oral argument.
PRECEDENTIAL VALUE	unpublished

TOPICS

venue service of process civil procedure

PRACTICE AREAS

civil procedure venue service of process

QUESTIONS PRESENTED

- Whether plaintiff's motion to change venue should be granted under 28 U.S.C. § 1404 when the requested relief is unclear, no alternative venue is identified, and no transfer arguments are presented.
- Whether plaintiff was entitled to an extension of time to serve defendants when the 90-day service period under Federal Rule of Civil Procedure 4(m) had not expired.

HOLDINGS

1. The motion to change venue was denied because the requested relief was unclear, plaintiff provided no transfer arguments or alternative venue, and the requested relief appeared unnecessary.
2. The motion for an extension of time to serve defendants was denied as unnecessary because Rule 4(m) gave plaintiff 90 days from filing the complaint, resulting in a service deadline of April 16, 2026, later than the requested March 31 deadline.

KEY QUOTATIONS

“Under § 1404(a), the district court has discretion ‘to adjudicate motions for transfer according to an individualized, case-by-case consideration of convenience and fairness.’” (1)

“Therefore, Plaintiff has until April 16, 2026, to properly serve Defendants.” (2)

FACTUAL BACKGROUND

Plaintiff filed her complaint against the Central Intelligence Agency and other defendants on January 16, 2026. She used a Ninth Circuit form to request a change of venue, but the court could not determine whether she sought an extension to file a venue motion or sought transfer itself, and she identified no alternative venue or supporting argument. Plaintiff also requested a service deadline of March 31, 2026, although the applicable 90-day period extended through April 16, 2026.

PROCEDURAL HISTORY

Plaintiff filed the complaint on January 16, 2026, and subsequently filed motions to change venue and to extend the service deadline. The court determined that the venue request was unclear and unsupported and that an extension was unnecessary because the 90-day service period had not expired.

DISPOSITION

other

CASES CITED

- Jones v. GNC Franchising, Inc., 211 F.3d 495, 498 (9th Cir. 2000)
- Stewart Organization, Inc. v. Ricoh Corp., 487 U.S. 22, 29 (1988)

OPINION

Carby

PER CURIAM.

1 FILED IN THE

U.S. DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

2 Apr 08, 2026

3 SEAN F. MCAVOY, CLERK

4

5 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

6

7 CARYL DANITA CARBY,
NO. 2:26-CV-0026-TOR

8 Plaintiff,

ORDER DENYING PLAINTIFF'S

9 v. MOTION TO CHANGE VENUE

AND MOTION FOR EXTENSION OF

10 CENTRAL INTELLIGENCE TIME

AGENCY, et al., 11 Defendant. 12 13 BEFORE THE COURT are Plaintiff's Motion to Change Venue (ECF No. 14 5) and Motion for an Extension of Time to Serve (ECF No. 6). These matters were 15 submitted for consideration without oral argument. The Court has reviewed the 16 record and files herein and is fully informed. For the reasons discussed below, 17 Plaintiff's Motion to Change Venue (ECF No. 5) and Motion for an Extension of 18 Time to Serve (ECF No. 6) are DENIED.

19 Under 28 U.S.C. § 1404, a party may move to transfer venue. "Under §

20 1404(a), the district court has discretion 'to adjudicate motions for transfer 1 according to an individualized, case-by-case consideration of convenience and 2 fairness.'" Jones v. GNC Franchising, Inc., 211 F.3d 495, 498 (9th Cir. 2000) 3 (quoting Stewart Org. v. Ricoh Corp., 487 U.S. 22, 29 (1988)) (internal quotations 4 omitted). The court must consider multiple factors when determining whether 5 transfer is appropriate. Jones, 211 F.3d at 498. 6 Plaintiff used a Ninth Circuit motion for extension of time form to request a 7 change of venue. ECF No. 5. Plaintiff does not appear to argue that venue is 8 improper, however, the writing on the form is difficult to understand. ECF No. 5. 9 It is unclear whether Plaintiff is requesting an extension to file a motion to change 10 venue or wishes to file the motion itself. Id. For the former, Plaintiff neither 11 makes any arguments nor identifies an alternative venue for transfer. Id. For the 12 latter, the Court does not understand why an extension to file a motion to transfer 13 venue is warranted. Regardless, this motion cannot be granted because the 14 requested relief is unclear and likely unnecessary. 15 Federal Rule of Civil Procedure 4(m) provides that a plaintiff has 90 days to 16 serve a complaint and summons on the opposing party from the date the complaint 17 is filed. FED. R. CIV. P. 4(m). Plaintiff requests a new due date of March 31, 2026. 18 ECF No. 6. Plaintiff filed her complaint on January 16, 2026. ECF No. 1. 19 Therefore, Plaintiff has until April 16, 2026, to properly serve Defendants. As a 20 result, this motion is unnecessary because Plaintiff has longer than her requested deadline to properly serve Defendants. 2|| ACCORDINGLY, IT IS HEREBY ORDERED: 3 1. Plaintiffs Motion to Change Venue (ECF No. 5) is DENIED. 4 2.

Plaintiffs Motion for an Extension of Time (ECF No. 6) is DENIED. 5 The District Court Executive is directed to enter this Order and furnish copies to Plaintiff. 7 DATED April 8, 2026.

<> United States District Judge 10 11 12 13 14 15 16 17 18 19 20

ORDER DENYING PLAINTIFF'S MOTION TO CHANGE VENUE AND

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