

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Caryl Danita Carby v. Government of Nigeria, et al.

Carby · No. 2:26-CV-0055-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 plaintiff’s 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-0055-TOR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to change venue and separately moved for an extension of time to serve the complaint and summons. The district court considered both motions without oral argument and denied them.
STANDARD OF REVIEW	Abuse-of-discretion or discretionary individualized consideration under 28 U.S.C. § 1404(a) for a motion to transfer venue.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not indicated
PARTIES	Caryl Danita Carby v. Government of Nigeria, et al.

TOPICS

- venue
- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- venue
- service of process

QUESTIONS PRESENTED

1. Whether plaintiff's motion to change venue should be granted when the requested relief was unclear, unsupported, and did not identify an alternative venue.
2. Whether plaintiff was entitled to an extension of time to serve when the 90-day 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 did not present arguments supporting transfer or identify an alternative venue, and the requested relief appeared unnecessary.
2. The motion for an extension of time to serve was denied as unnecessary because plaintiff had until April 30, 2026, to properly serve defendants under Rule 4(m), which was later than the March 31, 2026, deadline she requested.

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.’” (at 1)

“Therefore, Plaintiff has until April 30, 2026, to properly serve Defendants.” (at 1)

FACTUAL BACKGROUND

Plaintiff filed her complaint on January 30, 2026. She used a Ninth Circuit extension-of-time form to request a change of venue, but the writing was difficult to understand, she did not identify an alternative venue or provide supporting arguments, and she requested a service deadline earlier than the deadline already provided by Federal Rule of Civil Procedure 4(m).

PROCEDURAL HISTORY

Plaintiff filed the complaint on January 30, 2026, and then filed a motion to change venue and a motion for an extension of time to serve. The court concluded that the venue request was unclear and unsupported and that an extension was unnecessary because the Rule 4(m) service period had not expired.

DISPOSITION

other

CASES CITED

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

OPINION

Carby

PER CURIAM.

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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-0055-TOR

8 Plaintiff,

ORDER DENYING PLAINTIFF'S

9 v. MOTION TO CHANGE VENUE

AND MOTION FOR EXTENSION OF

10 GOVERNMENT OF NIGERIA, et al., TIME

11 Defendant. 12

BEFORE THE COURT are Plaintiff's Motion to Change Venue (ECF No. 13 5) and Motion for an Extension of Time to Serve (ECF No. 6). These matters were 14 submitted for consideration without oral argument. The Court has reviewed the 15 record and files herein and is fully informed. For the reasons discussed below, 16 Plaintiff's Motion to Change Venue (ECF No. 5) and Motion for an Extension of 17 Time to Serve (ECF No. 6) are DENIED. 18 Under 28 U.S.C. § 1404, a party may move to transfer venue. "Under § 19 1404(a), the district court has discretion 'to adjudicate motions for transfer 20 according to an individualized, case-by-case consideration of convenience and 1 fairness.'" Jones v. GNC Franchising, Inc., 211 F.3d 495, 498 (9th Cir. 2000) 2 (quoting Stewart Org. v. Ricoh Corp., 487 U.S. 22, 29 (1988)) (internal quotations 3 omitted). The court must consider multiple factors when determining whether 4 transfer is appropriate. Jones, 211 F.3d at 498. 5 Plaintiff used a Ninth Circuit motion for extension of time form to request a 6 change of venue. ECF No. 5. Plaintiff does not appear to argue that venue is 7 improper, however, the writing on the form is difficult to understand. ECF No. 5. 8 It is unclear whether Plaintiff is requesting an extension to file a motion to change 9 venue or wishes to file the motion itself. Id. For the former, Plaintiff neither 10 makes any arguments nor identifies an alternative venue for transfer. Id. For the 11 latter, the Court does not understand why an extension to file a motion to transfer 12 venue is warranted. Regardless, this motion cannot be granted because the 13 requested relief is unclear and likely unnecessary. 14 Federal Rule of Civil Procedure 4(m) provides that a

plaintiff has 90 days to 15 serve a complaint and summons on the opposing party from the date the complaint 16 is filed. FED. R. CIV. P. 4(m). Plaintiff requests a new due date of March 31, 2026. 17 ECF No. 6. Plaintiff filed her complaint on January 30, 2026. ECF No. 1. 18 Therefore, Plaintiff has until April 30, 2026, to properly serve Defendants. As a 19 result, this motion is unnecessary because Plaintiff has longer than her requested 20 deadline to properly serve Defendants. 1}} ACCORDINGLY, IT IS HEREBY ORDERED: 2 1. Plaintiff's Motion to Change Venue (ECF No. 5) is DENIED. 3 2. Plaintiffs Motion for an Extension of Time (ECF No. 6) is DENIED. 4 The District Court Executive is directed to enter this Order and furnish 5|| copies to Plaintiff. 6 DATED April 8, 2026. <> United States District Judge 9 10 11 12 13 14 15 16 17 18 19 20

ORDER DENYING PLAINTIFF'S MOTION TO CHANGE VENUE AND