

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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JOHNNY RAY CHANDLER, SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-0664
	)	
CHARLES JAMES, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM OPINION AND ORDER

On May 4, 2011, the Court issued an Opinion and Order in which, among other things, it instructed plaintiff Johnny Ray Chandler, Sr., that by June 17, 2011 he was either to (1) effect proper service on defendants Phyllis Brodie, Charles James, and Linwood A. Williams, and file proof of that service with the Court, or (2) show cause why his claims against those defendants should not be dismissed for lack of service. The Court also informed the parties that counsel would be appointed for Mr. Chandler at a later date because Mr. Chandler's "one potentially meritorious claim" might pose a difficult constitutional question. See Chandler v. James, Civil Action No. 06-0664, 2011 WL 1678421, at \*9 (D.D.C. May 4, 2011).

On June 2, 2011, Mr. Chandler filed a motion in which he stated that he would ask his appointed counsel to effect service on Ms. Brodie, Mr. James, and Mr. Williams. Since no counsel had yet been appointed for him, he asked for an extension of the time in which service might be made to July 15, 2011. The Court's May 4, 2011 Order, however, made clear that counsel's role was to litigate a difficult constitutional question, and in no way indicated that Mr. Chandler would be permitted to wait until counsel had been appointed before serving process on

the three named individual defendants. Mr. Chandler was instructed either to effect service by the specified date, or to explain why he had failed to do so. He has done neither. Because this case has been pending for roughly five years, and because Mr. Chandler is a veteran *pro se* litigant, see Chandler v. James, 2011 WL 1678421, at \*1-\*2, the Court will not exercise its discretion to afford him yet more time to effect service, especially since it is unlikely that Mr. Chandler has any valid claims against the defendants in question. See id. at \*9. Mr. Chandler's claims against Ms. Brodie, Mr. James, and Mr. Williams therefore will be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. His claims against the individual members of the United States Parole Commission, see Chandler v. James, 2011 WL 1678421, at \*6, remain to be litigated. Accordingly, it is hereby

ORDERED that the plaintiff's claims against defendants Phyllis Brodie, Charles James, and Linwood A. Williams are DISMISSED without prejudice.

SO ORDERED.

/s/ \_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: June 20, 2011