

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANTHONY D. MATHIS #217629,

Plaintiff,

v.

No.: 3:13-cv-248
(VARLAN/SHIRLEY)

NURSE FARLEY and
NURSE BEDAFUR,

Defendants.

MEMORANDUM

This is a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983. Although process issued against defendants Farley and Bedafur, the summons were returned unexecuted on July 8, 2013. Because the defendants were not served within 120 days after the filing of the complaint, plaintiff was ordered to show cause why this case should not be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. The plaintiff has failed to respond to the Court's order within the time required. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and to comply with the orders of the Court. Rule 41(b) of the Federal Rules of Civil Procedure. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan

CHIEF UNITED STATES DISTRICT JUDGE