

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES CARTER)	
)	
v.)	NO. 3-10-0058
)	JUDGE CAMPBELL
RICKY BELL, et al.)	

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 127) and Plaintiff's Response thereto (Docket No. 131). The Court has reviewed the Report and Recommendation, Plaintiff's Response and the file.

The Magistrate Judge recommends dismissing this action for Plaintiff's continued failure to comply with the Federal Rules of Civil Procedure and with the Orders of the Court. Specifically, the Magistrate Judge, on March 21, 2011, ordered the Plaintiff to serve all papers he files in this action upon Defendant Hunt. *Id.* The Magistrate Judge warned the Plaintiff that if he continued to fail to abide by the Court's Orders, the Magistrate Judge would recommend that this action be dismissed. *Id.*

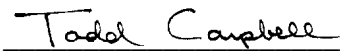
The Magistrate Judge has found that Plaintiff failed to obey the Court's Order concerning the service of papers upon Defendant Hunt. Docket No. 127. Moreover, the Magistrate Judge has found there to be no excusable reason for Plaintiff's failure to serve the Defendant, despite the Court's warning that such failure could lead to dismissal. *Id.*

For these reasons, Plaintiff's Objections are overruled, and the Report and Recommendation is adopted and approved. Accordingly, Plaintiff's claims against Defendant Hunt, the only

remaining Defendant, are DISMISSED for Plaintiff's failure to comply with the Federal Rules of Civil Procedure and with Orders of the Court. The Clerk is directed to close this file.

Any other pending Motions are denied as moot. The jury trial set for November 29, 2011, and the pretrial conference set for November 14, 2011, are canceled. This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE