

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JOHNNY R. HUFF, et al.,

Plaintiffs,

v.

Civil Action No. 3:11CV395

JIM STEWARD, III, et al.,

Defendants.

**MEMORANDUM OPINION**

Johnny R. Huff, a former Virginia detainee proceeding pro se filed this civil rights action. The matter is before the Court on Huff's failure to serve the defendants within the time required by Federal Rule of Civil Procedure 4(m).<sup>1</sup>

Pursuant to Federal Rule of Civil Procedure 4(m), Huff had one hundred and twenty (120) days from the filing of the complaint to serve the defendants. Here, that period commenced on April 5, 2012. By Memorandum Order entered on August 27,

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<sup>1</sup> Rule 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j) (1).

2012, the Court directed Huff, within eleven (11) days of the date of entry thereof, to show good cause for his failure to serve the defendants within the time required by Rule 4(m). Huff has not responded. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Huff.

It is so ORDERED.

Date: *October 5, 2012*  
Richmond, Virginia

*/s/ REP*  
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Robert E. Payne  
Senior United States District Judge