FILED
AUG 30 2019
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

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

INFINITE ALLAH,

Plaintiff,

v. Civil Action No. **3:18CV477**

SUSAN FRANK, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia prisoner proceeding *pro se* filed this action. The matter is before the Court on Plaintiff's failure to serve Defendant Steward within the time required by Federal Rule of Civil Procedure 4(m). Rule 4(m) provides:

> If a defendant is not served within 90 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).

Fed. R. Civ. P. 4(m).

Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff had 90 days from the filing of the complaint to serve the defendants. Here, that period commenced on April 5, 2019. By Memorandum Order entered on August 2, 2019, the Court directed Plaintiff, within eleven (11) days of the date of entry thereof, to show good cause for his failure to serve Defendant Steward within the time required by Rule 4(m). Plaintiff has not responded. Accordingly, all claims against Defendant Steward WILL BE DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

/s/
M. Hannah Lauck
United States District Judge

M. Hannah Lauck
United States District Judge

Date: August 30, 2019
Richmond, Virginia