

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

JOSEPH A. DANIELS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:22-cv-760-HEH
)	
VINCENT GORE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION
(Dismissing Defendant for Failure to Serve)

Plaintiff Joseph A. Daniels (“Plaintiff”), a Virginia inmate proceeding *pro se* and *in forma pauperis*, brings this 42 U.S.C. § 1983 action. (ECF No. 1.) Under the Federal Rule of Civil Procedure 4(m),¹ Plaintiff had ninety (90) days to serve Defendants. Here, that period commenced on May 18, 2023. (Mem. Order, ECF No. 9.) More than ninety (90) days have elapsed, and Plaintiff has not served Defendant Michael Gaither (“Gaither”). Accordingly, by Memorandum Order entered on August 22, 2023, the Court directed Plaintiff, within twenty (20) days of the date of entry thereof, to show good

¹ Rule 4(m) provides, in pertinent part:

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.

FED. R. CIV. P. 4(m).

cause why the action against Gaither should not be dismissed without prejudice. (ECF No. 21.)

By Memorandum Order entered on September 20, 2023, the Court granted Plaintiff a twenty-day extension to provide the Court with an address where Gaither could be served. (ECF No. 30.) The Court explained that, if Plaintiff failed to provide an address within that time, the Court would dismiss the action against Gaither without prejudice. (*Id.* at 2.) More than twenty (20) days have elapsed, and Plaintiff has not provided an address for Gaither. Accordingly, the action against Defendant Michael Gaither will be dismissed without prejudice.

An appropriate Order will accompany this Memorandum Opinion.

A handwritten signature in blue ink, appearing to read "HEH", followed by a horizontal line and the text "/s/".

Henry E. Hudson
Senior United States District Judge

Date: Oct. 25, 2023
Richmond, Virginia