

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KARTELL WASHINGTON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:17cv764-MHT
)	(WO)
STATE OF ALABAMA)	
DEPARTMENT OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Fed. R. Civ P. 4(m) states: "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." Plaintiff named The DOC Riot Squad as a defendant in this lawsuit, which was filed on November 7, 2017. After 90 days had passed without service of this defendant, the

United States Magistrate Judge entered an order for plaintiff to show cause, by March 20, 2018, why defendant The DOC Riot Squad should not be dismissed without prejudice from this action pursuant to Fed. R. Civ. P. 4(m). Plaintiff did not respond. The court therefore concludes that dismissal is appropriate.

Accordingly, it is ORDERED that plaintiff's claims against defendant The DOC Riot Squad are dismissed without prejudice, and defendant The DOC Riot Squad is terminated as a party to this action.

This case is referred back to the United States Magistrate Judge for further proceedings.

DONE, this the 10th day of April, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE