

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

NATHANIEL REDDING,

Plaintiff,

v.

CASE NO. 4:13cv408-RH/GRJ

CATHY SIMCOX et al.,

Defendants.

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**ORDER DISMISSING THE CLAIMS  
AGAINST THE DEFENDANT KALU**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 31. No objections have been filed.

The report and recommendation correctly concludes that the claims against the defendant Patricia N. Kalu should be dismissed for failure to serve process within the time allowed by Federal Rule of Civil Procedure 4(m). Efforts to effect service through the United States Marshals Service have been unsuccessful. This order thus dismisses the claims against Ms. Kalu.

This order does not preclude the plaintiff from seeking leave to amend to reinstate the claims against Ms. Kalu if (1) the plaintiff acquires information that

would allow service and (2) allowing the amendment would not unduly delay the case.

Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The plaintiff's claims against Ms. Kalu are dismissed without prejudice.

SO ORDERED on May 5, 2014.

s/Robert L. Hinkle  
United States District Judge