

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MICHAEL GARRETT,)
Plaintiff,)
v.) CIVIL ACTION NO. 5:10-CV-112 (MTT)
HOUSTON COUNTY, GEORGIA, et. al,)
Defendants.)

)

ORDER

This matter is before the Court on the Defendants' Motion to Dismiss (the "Motion") (Doc. 8). The Plaintiff did not file a response to the Motion. The Court ordered the Plaintiff to show cause no later than August 31, 2010 why the action should not be dismissed for failure to timely or properly serve the Defendants (the "Order") (Doc. 11). The Plaintiff did not file a response to the Order. Pursuant to Fed. R. Civ. P. 4(m), a court must dismiss an action without prejudice against the defendant if the plaintiff fails to show cause for not serving the defendant within 120 days. Because the Plaintiff did not respond to the Order, the Motion is **GRANTED** and the action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this the 9th day of September, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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