

FILED IN CHAMBERS
U.S.D.C. - Atlanta

APR 09 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARTEZ ANTOINE JOHNSON,	:	PRISONER CIVIL RIGHTS
Plaintiff,	:	42 U.S.C. § 1983
	:	
v.	:	
	:	
OFFICER C. DAVIS,	:	CIVIL ACTION NO.
Defendant.	:	1:17-CV-1855-ODE-LTW

ORDER

Plaintiff is a state prisoner who, pro se, seeks relief under 42 U.S.C. § 1983.

(Doc. 1.) The Court screened Plaintiff's complaint and allowed his claim that Defendant Officer C. Davis was deliberately indifferent to his safety at the DeKalb County Jail to proceed. (Docs. 5, 8.)

On August 8, 2017, the Court sent Plaintiff forms for service of process on Davis. (Doc. 8.) The Court directed Plaintiff to complete the forms and return them within thirty days. (*Id.* at 5.) The Court warned Plaintiff that his failure to do so may result in dismissal of this case. (*Id.*)

Three months passed, but Plaintiff did not return the forms or request additional time to do so. Thus, Magistrate Judge Walker issued a Report and Recommendation ("R&R") that this case be dismissed without prejudice for Plaintiff's failure to comply with the Court's Order. (Doc. 11.)

In response to the R&R, Plaintiff sent the Court a letter that the Court construed as a motion for an extension of time to comply. (Doc. 13.) Plaintiff stated that he did not return the service forms because of his “lack of comprehension of the documents” and his “failure to understand how [he] would serve the defendant.” (*Id.*) Plaintiff stated that he had spoken with lawyers and asked the Court to “allow [his] Attorney to address this issue and any matters going forward.” (*Id.*)

On December 13, 2017, the Court entered an Order granting Plaintiff’s motion for additional time to serve process. (Doc. 14.) The Court gave Plaintiff’s counsel thirty days to enter an appearance and either serve Defendant with process or provide an address where the U.S. Marshals Service (“USMS”) can serve him with process. (*Id.*)

Despite that Order, counsel has not appeared for Plaintiff in this case and Defendant has not been served with process. Plaintiff provided the DeKalb County Sheriff’s Office’s address as the address for Defendant, and the Clerk sent a request for waiver of service to Defendant at that address. (Doc. 15.) The waiver was not returned, so the USMS attempted to serve Defendant at that address. (Doc. 18.) The USMS did not find Defendant, learning that he resigned from the Dekalb County Sheriff’s Office in March 2016. (*Id.*)

Plaintiff did not comply with the Court's Order. Counsel has not appeared, and Plaintiff has not provided an address at which Defendant can be located. The deadline for compliance has passed.

Accordingly, the Court **ADOPTS** the R&R [11] as the opinion of the Court. This action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 5 day of April, 2018.


ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE