

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

DEMETRIUS SMILEY,

Plaintiff,

v.

MIDWEST AIR TECHNOLOGIES,

Defendant.

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Case No. CV413-081

**REPORT AND RECOMMENDATION**

Proceeding *pro se*, plaintiff Demetrius Smiley brought this employment discrimination case defendant Midwest Air Technologies. Doc. 1. He paid the filing fee but failed to serve the defendant within the 120 days demanded by Fed. R. Civ. P. 4(m). The Court thus directed him to show cause why his case should not be dismissed for violating Rule 4(m). Doc. 5. He has failed to respond. Accordingly, this case should be **DISMISSED** for plaintiff's failure to timely effect service. Fed. R. Civ. P. 4(m).

**SO REPORTED AND RECOMMENDED** this 20<sup>th</sup> day of  
September, 2013.

  
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**UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA**