

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

NATHAN LAMAR JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 09-CV-1173
)	
HARRY MAROCO,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

BYRON G. CUDMORE, U.S. MAGISTRATE JUDGE:

On June 2, 2009, *pro se* Plaintiff's petition to proceed *in forma pauperis* was granted and his Complaint was filed (d/e 3). The Clerk was directed to prepare summons and Marshal's Form USM 285 for service of the Complaint upon the Defendant at the address provided by *pro se* Plaintiff. On July 1, 2009, summons was returned unexecuted by the Marshal (d/e 5) due to insufficient address. By Text Order dated October 14, 2009, Plaintiff was directed to provide the Clerk's Office with Defendant's current address or to file a status report on or before October 30, 2009. In that Text Order, *pro se* Plaintiff was advised that Federal Rule of Civil Procedure 4(m) directs that a Plaintiff must serve a Defendant

within 120 days of filing of the Complaint and advised if service was not perfected, the case was subject to dismissal for want of prosecution.

Plaintiff failed to file a response or status report by October 30, 2009. On October 2, 2009, the 120 days for service lapsed. As of this date, *pro se* Plaintiff has failed to comply with Rule 4(m). The Court recommends that *pro se* Plaintiff's Complaint be dismissed for want of prosecution.

Plaintiff is advised that any objection to this Report and Recommendation must be filed in writing with the Clerk of the Court within ten working days after being served with a copy of this Report and Recommendation. See 28 U.S.C. § 636(b)(1). Failure to file a timely objection will constitute a waiver of objections on appeal. Video Views, Inc. v. Studio 21, Ltd., 797 F.2d 538, 539 (7th Cir. 1986). See Local Rule 72.2.

The Clerk of the Court is directed to send a copy of this Report and Recommendation to *pro se* Plaintiff at his last known address.

ENTER: November 3, 2009

FOR THE COURT:

s/ Byron G. Cudmore

BYRON G. CUDMORE
UNITED STATES MAGISTRATE JUDGE