

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

TRAVIS SENTELL DAVIS

CIVIL ACTION

VERSUS

EDMUND PETERS, ET AL.

NO. 17-00795-BAJ-SDJ

RULING AND ORDER

Before the Court is the Magistrate Judge's **Report and Recommendation (Doc. 90)**, recommending that the Court dismiss Plaintiff's claims against Defendant Edward Peters for failure to effect timely service despite multiple opportunities to do so.¹ There are no objections to the Report and Recommendation.

Having carefully considered the underlying Complaint, the Report and Recommendation at issue, and related filings, the Court **APPROVES** the Magistrate Judge's Report and Recommendation, and **ADOPTS** it as the Court's opinion herein.

Accordingly,

¹ The Report and Recommendation emphasizes:

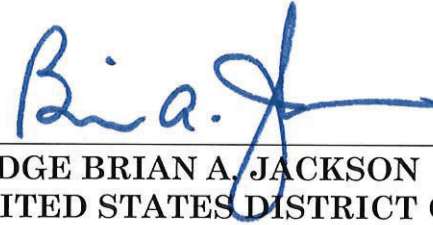
Summons were issued in this case on September 20, 2019. Thereafter, [Plaintiff] was granted an extension of time to effect service and was instructed to effect service upon all Defendants by January 6, 2020. On January 13, 2020, summons was returned as purportedly executed as to multiple Defendants, including Peters. However, the Court granted a Motion to Quash Service because service was not properly effected against Peters, so the Court provided [Plaintiff] with an additional 45 days to properly effect service. [Plaintiff] never attempted to serve Peters after the Motion to Quash was granted, so the Court ordered [Plaintiff] to show cause as to why his claims against Peters should not be dismissed for failure to timely effect service. [Plaintiff] has failed to timely respond.

(Doc. 90, p. 2-3 (internal citations omitted)).

IT IS ORDERED that Plaintiff's claims against Defendant Edward Peters are hereby **DISMISSED WITH PREJUDICE** for Plaintiff's failure to effect timely service upon Peters.

IT IS FURTHER ORDERED that this matter is **REFERRED** to the Magistrate Judge for further proceedings regarding Plaintiff's remaining claims, which include Plaintiff's claims for monetary relief against Defendants R. Jackson and K. Mills in their individual capacities for the incident of alleged excessive force and failure to intervene occurring on May 11, 2017.

Baton Rouge, Louisiana, this 6th day of July, 2022

A handwritten signature in blue ink, appearing to read "B. A. Jackson", written over a horizontal line.

JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA