Mattingley v. Anderson et al Doc. 17

**UNITED STATES DISTRICT COURT**
**DISTRICT OF MASSACHUSETTS**

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| **ROBERT SCOTT MATTINGLEY,** **Plaintiff,** | ) | **CIVIL ACTION NO. 4:18--12170-TSH** |
| **v.** | ) | |
| **ANDERSON, et al.** **Defendant.** | ) | |

**ORDER ON MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Docket No. 16)**

**June 3, 2021**

**HILLMAN, D.J.,**

Before the Court is Magistrate Judge Hennessy's Report and Recommendation that Robert Scott Mattingley's ("Plaintiff's") *pro se* Eighth Amendment complaint regarding his medical treatment during his incarceration at Federal Medical Center – Devens (Docket No. 1) be dismissed for failure to properly effect service. Plaintiff failed to apprise the Court of his new address following his release from custody and has not taken any of the necessary steps to preserve his suit, despite numerous warnings. The Court did not receive an objection from Plaintiff before the May 27, 2021 deadline for objections (and Defendants, having never been served, were not in a position to object). ***Accordingly, I adopt the Report and Recommendation (Docket No. 16). The case is dismissed without prejudice*** for failure to serve the remaining Defendants, Physician Assistant C. Coffee, Dr. Hardy, Dr. Lund, and Counselor M. Tidwell, within 90 days, as required by Fed. R. Civ. P. 4(m).

**SO ORDERED.**



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***/s/ Timothy S. Hillman***
**Timothy S. Hillman**
**DISTRICT JUDGE**