

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Thomas A. Sukak,

Plaintiff,

v.

Case No. 10-14115

Commissioner of Social Security,

Honorable Sean F. Cox

Defendant.

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**ORDER**

**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION  
AND DISMISSING ACTION FOR FAILURE TO EFFECT SERVICE**

Acting *pro se*, Plaintiff brought this action seeking judicial review of an adverse decision by the Defendant Commissioner. In his application to proceed *in forma pauperis*, Plaintiff expressly indicated that he did *not* request service of the summons and complaint by the U.S. Marshal. (*See* Docket Entry No.2 at 2)

This Court referred this action to Magistrate Judge Mark Randon for a determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1)(A) and for issuance of any Report and Recommendations pursuant to § 636(b)(1)(B).

As of March 23, 2011, the docket reflected that Defendant had not been served. Accordingly, on that date, Magistrate Judge Randon issued an Order requiring Plaintiff to show cause, in writing, by April 22, 2011, why the action should be dismissed for failure to prosecute.

On April 7, 2011, Magistrate Judge Randon issued an Amended Order to Show Cause, explaining in greater detail that it was Plaintiff's responsibility to serve Defendant, that Defendant had not been served, and ordering Plaintiff to show cause, in writing, by April 22,

2011, why this case should not be dismissed for failure to serve Defendant. (Docket Entry No. 11).

After Plaintiff failed to respond to either of the Show Cause Orders, Magistrate Judge Randon issued a Report and Recommendation (“R&R”) on April 29, 2011. (Docket Entry No. 12). In his R&R, Magistrate Judge Randon recommends that this Court dismiss this action pursuant to FED. R. CIV. P. 4(m). The R&R cautioned Plaintiff that any objections to the R&R had to be filed within 14 days of the issuance of the R&R. (*Id.* at 2).

Plaintiff has not filed any objections to the R&R and the time for doing so passed. Accordingly, IT IS ORDERED that Magistrate Judge Randon’s April 29, 2011 R&R is ADOPTED and this case is DISMISSED pursuant to FED. R. CIV. P. 4(m).

IT IS SO ORDERED.

Dated: May 26, 2011

S/ Sean F. Cox  
Sean F. Cox  
U. S. District Court Judge

I hereby certify that on May 26, 2011, the foregoing document was served upon counsel of record by electronic means and upon Thomas A. Sudak by First Class Mail at the address below:

Thomas A Sudak  
3323 Elmwood  
Monroe, MI 48162

Dated: May 26, 2011

S/ Jennifer Hernandez  
Case Manager