

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY TATE,

Plaintiff,

Civil Action No. 17-CV-12221

vs.

HON. BERNARD A. FRIEDMAN

CAPITAL BANK,

Defendant.
_____ /

**ORDER ACCEPTING MAGISTRATE JUDGE PATTI'S
REPORT AND RECOMMENDATION**

This matter is before the Court on plaintiff's complaint [docket entry 1]. Plaintiff filed the instant complaint in July 2017 but did not serve defendant. So in December, Magistrate Judge Patti ordered plaintiff to show cause by January 22 why the case should not be dismissed for plaintiff's failure to comply with Fed. R. Civ. P. 4(m). Plaintiff has still not answered that order to show cause. Therefore, Magistrate Judge Patti's Report and Recommendation ("R & R") recommends that the Court dismiss the complaint for failure to comply with Rule 4(m) [docket entry 10].

Having reviewed the docket, plaintiff's complaint, and the R & R, the Court agrees with the R & R. Accordingly,

IT IS ORDERED that the R & R is accepted and adopted as the findings and conclusions of this Court, and the case is dismissed for failure to comply with Rule 4.

Dated: April 16, 2018
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 16, 2018.

s/Johnetta M. Curry-Williams
Case Manager