

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LINDSAY CLARK ROSS,
Plaintiff,

v.

IRON, COUNTY OF, *et al.*,
Defendants.

Case No. 2:14-cv-212
HON. R. ALLAN EDGAR
HON. TIMOTHY P. GREELEY

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 10, 2014, Lindsay Ross filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. ECF Nos. 1. Plaintiffs are responsible for serving the summons and complaint on the defendants within 120 days after the complaint is filed. Fed. R. Civ. Pro. 4(c), (m). Since Ross filed his complaint he has not served any of the eighteen defendants, nor has he attempted to prosecute his case in any other way. On January 8, 2016, Magistrate Judge Timothy P. Greeley provided notice to Ross that his complaint would be dismissed because he failed to serve any of the defendants. ECF No. 9. Ross objected to the Report and Recommendation (“R&R”) but does not argue that he had good cause for failing to serve the defendants and, instead, among other requests, asks the court to serve the complaint (or amended complaint) on his behalf. ECF No. 11 at 7–11. However, Ross is not proceeding in forma pauperis pursuant to 28 U.S.C. § 1915. Fed. R. Civ. Pro. 4(c)(3). The time allowed for serving the defendants has long expired, and Judge Greeley’s R&R provides the requisite notice to Ross that his failure to serve the defendants will result in dismissal of his complaint.

Accordingly, Magistrate Judge Greeley’s R&R is **APPROVED AND ADOPTED** as the Opinion of the Court. ECF No. 9. The petition is **DISMISSED WITHOUT PREJUDICE**. **IT IS ORDERED** that a certificate of appealability is denied. A judgment consistent with this Order will be entered.

SO ORDERED.

Dated: 2/2/2016

/s/ R. Allan Edgar
R. Allan Edgar
United States District Court Judge