

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CHARLEY EDWARDS**

**PLAINTIFF**

**v.**

**CAUSE NO. 3:17CV985-LG-RHW**

**HI-PHARMACEUTICALS  
INCORPORATION**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DISMISSING COMPLAINT**

**BEFORE THE COURT** is the [8] Report and Recommendation of United States Magistrate Judge Robert H. Walker, entered in this cause on October 11, 2018. Magistrate Judge Walker recounted the Court's efforts to instruct and remind the plaintiff of his duty to prosecute this case, and the plaintiff's failure to effect service of process upon the sole defendant. Magistrate Judge Walker accordingly recommended that Plaintiff's Complaint be dismissed without prejudice for failure to prosecute.

Since Plaintiff was granted leave to proceed *in forma pauperis* on March 30, 2018, he has taken no further action. Magistrate Judge Walker issued an [7] Order to Show Cause on August 20, 2018 before issuing the instant [8] Report and Recommendation. The plaintiff has yet to respond to either.

Where no objection has been filed, the Court need only review the Report and Recommendation to determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having conducted the required review, the Court finds the Magistrate Judge's findings and

conclusions neither clearly erroneous nor contrary to law. The Court agrees that Plaintiff's Complaint is due to be dismissed for failure to timely effect service of process under Federal Rule of Civil Procedure 4(m) and for failure to prosecute this case under Federal Rule of Civil Procedure 41(b). Therefore, the Report and Recommendation will be adopted as the opinion of this Court, and Plaintiff's Complaint will be dismissed without prejudice.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [8] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on October 11, 2018 is **ADOPTED** as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiff Charley Edwards' [1] Complaint is **DISMISSED** without prejudice.

**SO ORDERED AND ADJUDGED** this the 5th day of November, 2018.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE