IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

KRISTOFER MIKAL WRIGHT,

Plaintiff,

vs.

YELLOWSTONE DEPUTY MIKE LINDER, CORRECTIONAL OFFICER MUNTER, CHRISTOPHER CARUSO, SAM BOFTO, KIMBERLY BAISCH, LESTER RUNS ABOVE, TAMARA OWENS, JANET GRIFFIN, VANESSA READY, and VICTORIA SCOTT,

DefendantS.

CV 17-90-BLG-SPW

ORDER

Plaintiff Kristofer Mikal Wright, appearing pro se, seeks damages for alleged denial of medical care while incarcerated as a federal pretrial detainee at the Yellowstone County Detention Facility and Crossroads Correctional Center. (Doc. 11).

Pending before the Court are United States Magistrate Judge Timothy Cavan's findings and recommendations. (Doc. 49). Judge Cavan recommends this Court dismiss Defendants Kimberly Baisch and Lester Runs Above for failure to serve pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 49 at 2). Wright

filed a timely objection to the findings and recommendations, entitling him to de novo review. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b)(3).

Wright argues he is entitled to rely upon the U.S. Marshal Service to effectuate service because he is proceeding in forma pauperis. However, Wright must provide a correct service address before the Court can effectuate service. The Court has twice attempted to request waivers of service at the addresses provided by Wright, and twice the waiver requests were returned as undeliverable. The Court then asked Wright to show cause why the defendants shouldn't be dismissed for failure to serve. (Doc. 47). Wright did not respond to the Court's order. The Court therefore agrees with Judge Cavan that dismissal for failure to serve under Rule 4(m) is proper.

Wright also argues he is entitled to a hearing before the Court takes judicial notice of a fact. (Doc. 52). The Court is not taking judicial notice of a fact, therefore no hearing is necessary. The motion for a hearing is denied.

Therefore,

IT IS HEREBY ORDERED Judge Cavan's findings and recommendation (Doc. 49) are adopted in full. Defendants Runs Above and Baisch are dismissed without prejudice for failure to serve under Rule 4(m).

Wright's motion for a hearing (Doc. 52) is denied.

DATED this 13th day of November, 2019.

Susan P. Watters

SUSAN P. WATTERS
United States District Judge