

NOT FOR PUBLICATION

CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CARLOS GARCERAN,

Plaintiff,

v.

KEVIN WEINMAN, ESQ., et al.,

Defendant.

Civil Action No. 15-3133 (CCC-MF)

ORDER

CECCHI, District Judge.

This matter comes before the Court on the motion of Defendants Kevin Weinman, Esq., Roy Kurnos, Esq., Emma Meredith, and Belsole & Kurnos, LLC's (collectively, "Defendants") to dismiss pro se Plaintiff Carlos Garceran's ("Plaintiff") Complaint for lack of federal subject matter jurisdiction, pursuant to Federal Rule of Civil Procedure 12(b)(1), and for failure to state a claim, pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 4.) Plaintiff did not oppose Defendants' motion. On January 6, 2016, Magistrate Judge Mark Falk issued a Report and Recommendation that Defendants' motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim be granted. (ECF No. 5.) Judge Falk also recommended Plaintiff's Complaint be dismissed as against Defendants New Jersey Bar Association, the Morris County Superior Court and the Administrator of the Court, even though they have not filed a motion, because the Court lacks subject matter jurisdiction, and because Plaintiff has failed to serve those defendants for more than seven months. See Fed. R. Civ. P. 4(m) (requiring dismissal for failure to serve after 120 days; recently amended to 90 days). No objections have

been filed thereto. The Court has considered the submissions of the parties, and Judge Falk's Report and Recommendation, and for substantially the same reasons stated therein;

IT IS on this 29 day of July, 2016

ORDERED this Court adopts Judge Falk's January 6, 2016 Report and Recommendation that Defendants' motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim, ECF No. 4, be granted; and it is further

ORDERED this case be dismissed without prejudice as against all defendants, including the New Jersey Bar Association, the Morris County Superior Court and the Administrator of the Court, even though they have not filed a motion; and it is further

ORDERED the Clerk of the Court shall close the file in this matter.

SO ORDERED.



CLAIRE C. CECCHI, U.S.D.J.