

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MUKHTIAR SINGH KHALSA,

Plaintiff,

v.

CIV 16-0908 LF/KBM

HECTOR H. BALDERAS, et al.,

Defendants.

**PROPOSED FINDINGS RECOMMENDING DISMISSAL OF
THE COMPLAINT WITHOUT PREJUDICE**

THIS MATTER is before the Court on the *pro se* Plaintiff's failure to respond to the Order to Show Cause entered November 21, 2016. *Doc. 5*. In that Order, I noted that Plaintiff failed to serve any of the Defendants in this case within 90 days of filing the Complaint, as is required by Federal Rule of Civil Procedure 4(m). *Id.* I therefore ordered Plaintiff to effect service of his Complaint, or show cause for his failure to do so. *Id.* I further warned Plaintiff that if he failed to timely respond to the Order, I would recommend to the presiding judge that this case be dismissed without prejudice. See *Martin v. City of Tulsa et al.*, No. 16-5446, ___ F. App'x ___, 2016 WL 7009918 (10th Cir. December 1, 2016); *Smith v. Glanz*, No. 16-5089, ___ F. App'x ___, 2016 WL 5799435 (10th Cir. Oct. 4, 2016).

Plaintiff's response to the Order to Show Cause was due on December 12, 2016, but no response has filed as of today. There is no indication that Plaintiff failed to receive the Order. Thus, it appears that Plaintiff manifests a lack of interest in litigating this matter.

IT IS THEREFORE RECOMMENDED that this case be reassigned to a district judge and dismissed without prejudice.


UNITED STATES CHIEF MAGISTRATE JUDGE

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition, they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1).

A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.