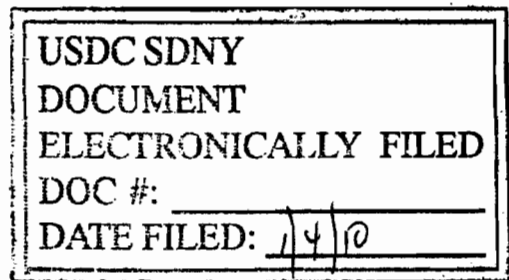


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CHRISTOPHER EVANS,

:

09 Civ. 3917 (SHS)

Plaintiff,

:

-against-

:

ORDER

DEPARTMENT OF CORRECTION, JOHN
DOES 1-8,

:

:

Defendants.

SIDNEY H. STEIN, U.S. District Judge.

The complaint in this action was filed on April 30, 2009. On October 20, 2009, Magistrate Judge James C. Francis IV extended plaintiff's time to effect service on the defendants until November 30, 2009.

Evans v. Dept. of Corr. et al

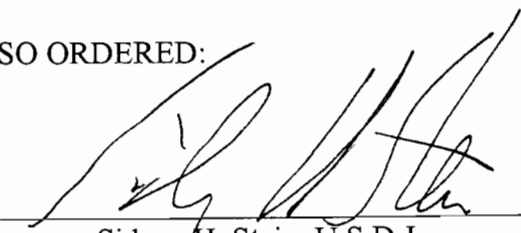
On December 10, 2009, Magistrate Judge James C. Francis IV issued a Report and Recommendation recommending that the complaint in this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) for failure to serve the summons by November 30, 2009. To date, the Court records indicate that the complaint still has not been served and no response to the Report and Recommendation has been filed with the Court. Accordingly,

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IT IS HEREBY ORDERED that Magistrate Judge Francis' Report and Recommendation is adopted and the complaint in this action is dismissed pursuant to Fed. R. Civ. P. 4(m).

Dated: New York, New York
January 4, 2010

SO ORDERED:



Sidney H. Stein, U.S.D.J.