

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LUIS NITSCHKE,
Plaintiff,

Case No. 1:17-cv-00317
Black, J.
Litkovitz, M.J.

vs

ALLYSON ALDRIDGE, et al.,
Defendants

**REPORT AND
RECOMMENDATION**

Plaintiff, a prisoner at the Southern Ohio Correctional Facility (SOCF), brings this action against defendants Allyson Aldridge and John Doe. Plaintiff was granted leave to proceed *in forma pauperis* and the complaint was filed on May 17, 2017. (Docs. 2, 3). Summons were issued for defendant Aldridge on May 17, 2017. (Doc. 5). Summons were returned unexecuted on June 20, 2017 with a letter from the SOCF Staff Legal Office dated June 6, 2017, explaining that service had been erroneously accepted and was being returned because Aldridge was no longer employed at SOCF. (Doc. 6). Plaintiff did not identify or serve the John Doe defendant.

Accordingly, on November 2, 2017, the undersigned issued an Order to plaintiff to either serve a summons and copy of the complaint on defendants within 20 days of the filing date of the Order, or show cause, in writing, why service could not be effected within that time period. (Doc. 7). Plaintiff was advised that failure to comply with the terms of the Order “shall result in a Report and Recommendation to the District Judge that plaintiff’s claims against defendants be dismissed for lack of service.” (*Id.*).

To date, plaintiff has failed to respond to the Court’s Order to Show Cause and has not completed service on defendants. Plaintiff has not shown good cause for failure to serve the complaint on defendants Aldridge and John Doe.

It is therefore **RECOMMENDED** that plaintiff's complaint against defendants Aldridge and John Doe be **DISMISSED** without prejudice for failure of service.

Date: 12/1/17


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).