

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

ADRIAN DESJUAN BISHOP, )
Plaintiff, )
vs. ) No. CIV-14-560-C
MR. MILLER, et al., )
Defendants. )

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff filed the present action pursuant to 42 U.S.C. § 1983. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this matter was referred to United States Magistrate Judge Shon T. Erwin. Judge Erwin entered a Report and Recommendation (“R&R”) on March 13, 2015, recommending dismissal without prejudice. Plaintiff has filed two documents which the Court will construe as objections to the R&R.

In the R&R, Judge Erwin sets out the history of this case. In summary, Plaintiff filed his action on May 30, 2014. Despite numerous extensions of time, warnings that failure to obtain service would result in dismissal, and explicit instructions on the steps necessary to obtain proper service, to date Plaintiff has not served any Defendant. Judge Erwin recommends dismissal of the remaining Defendants pursuant to Fed. R. Civ. P. 4 for failure to timely serve. In his Objection, Plaintiff argues he has done everything he knows to do. However, as noted, the Court has repeatedly explained the deficiencies in Plaintiff’s attempts at proper service. Since filing his Objection to the R&R, Plaintiff has submitted several summonses and pro se forms. However, the individuals named as Defendants on those

documents are not named as Defendants in this action. Further, despite being repeatedly advised of this shortcoming, Plaintiff has failed to provide the necessary copies of the Complaint and Order for Special Report which must accompany any summons. Thus, the Court finds that Plaintiff's actions offer no evidence or argument demonstrating he has a plan to obtain proper service on Defendants even if given additional time.

As Judge Erwin noted, this case has been pending nearly a year. Plaintiff has been given multiple opportunities to obtain service with no success. This matter will be dismissed without prejudice for failure to obtain service.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 38), and for the reasons announced therein, **DISMISSES** this action without prejudice. A separate judgment will issue.

IT IS SO ORDERED this 31st day of March, 2015.

  
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ROBIN J. CAUTHRON  
United States District Judge