

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

James Ronald Jenkins,)	
)	
Plaintiff,)	Civil Action No.: 4:09-03044-TLW
vs.)	
)	
Detective Larry Woods,)	
)	
Defendants.)	
_____)	

ORDER

On November 22, 2009, the Plaintiff, James Ronald Jenkins, who is represented by counsel, filed this action pursuant to 42 U.S.C. § 1983. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of the summons and complaint must be made within 120 days of the date the complaint is filed. Fed. R. Civ. P. 4(m). In this case, the action was filed on November 22, 2009, and service should have been accomplished by March 22, 2010. To date, no proof of service has been filed.

By Order of this Court filed March 30, 2010, the Plaintiff was advised of this deadline and was given fifteen days to file proof of timely service. (Dkt. # 7). To date, the Plaintiff has failed to provide the Court with evidence that service has been accomplished.

Rule 4(m) specifically provides, in part, that:

If a defendant is not served within 120 days after the complaint is filed, the court-on motion or on its own after notice to the plaintiff-must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

As the Plaintiff has not shown that the Defendant in this action has been timely served or good cause for the failure to serve, this action is dismissed without prejudice.

June 3, 2010
Florence, South Carolina

s/ Terry L. Wooten
United States District Judge