

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF TENNESSEE  
 AT KNOXVILLE

Robert G. Modrall,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	No.: 1:14-CV-327-PLR-HBG
	)	
William C. Killian, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**Memorandum Opinion**

The plaintiff filed this action *pro se* on November 17, 2014. Rule 4(m) of the Federal Rules of Civil Procedure requires a plaintiff to serve the summons and complaint on a defendant within 90 days of filing the complaint. If a plaintiff does not serve a defendant within 90 days of filing his complaint, the court “must dismiss the action without prejudice” unless the plaintiff shows good cause for his failure. After more than 90 days have elapsed without the plaintiff filing a return of service as to any defendant in this case, the Court ordered the plaintiff to show cause in writing on or before **June 19, 2015**, why this action should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for insufficient service of process. [R. 9]. No response to the Show Cause Order has been received by the Court.

The plaintiff has failed to serve the summons and complaint on any defendant within the time allowed by Rule 4(m), and he has failed to respond to the Court’s Show Cause Order, indicating to the undersigned that he has no desire to prosecute this case. Accordingly, this action shall be **Dismissed** as to all defendants, without prejudice, due to the plaintiff’s failure to prosecute.

The clerk is directed to mail a copy of this order to the plaintiff at:

Robert G. Modrell  
894 Yates Springs Road  
Ringgold, GA 30736

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE