

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DANIEL RAY MURPHY,)
)
 Plaintiff,)
v.)
)
NANCY A.BERRYHILL,)
Deputy Commissioner for Operations,)
performing the duties and functions not)
reserved to the Commissioner of Social Security,)
)
Defendant.)

No. 3:18-CV-40-JRG-HBG

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Plaintiff’s Response to Order to Show Cause [Doc. 6] filed on May 30, 2018. The Court previously ordered [Doc. 4] Plaintiff to show good cause as to why the undersigned should not recommend to the District Court that this case be dismissed for failure to serve Defendant within the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m). In his response, Plaintiff cites various case law that sets forth the standard for determining good cause under Rule 4(m) and further asserts that dismissal of the this case is a harsh and inappropriate sanction under the circumstances. Despite Plaintiff’s lengthy response, he does not clearly set forth an explanation or basis for his delay. Contemporaneously filed with Plaintiff’s response, however, is proof of service. [Doc. 5].

Generously interpreting Plaintiff's response, and considering Plaintiff's delay was no more than 30 days and Defendant has now been served, the Court finds that good cause exist. Accordingly, the Order to Show Cause [Doc. 4] is **DISCHARGED**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge