

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

BUFORD W. MOSS,)	
)	
Plaintiff,)	
)	Case No. 1:08-0039
v.)	Judge Echols
)	
COLUMBIA FIRE DEPARTMENT,)	
)	
Defendant.)	

ORDER

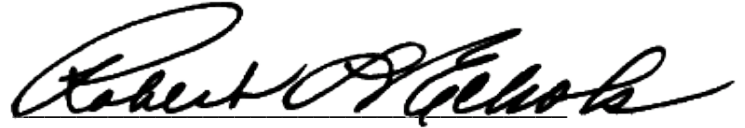
The Magistrate Judge entered a Report and Recommendation (“R & R”) (Docket Entry No. 3) on November 14, 2008, recommending that this employment discrimination action be dismissed without prejudice because Plaintiff failed to effect service within 120 days as required by Rule 4(m) of the Federal Rules of Civil Procedure and because Rule 41(b) of the Federal Rules of Civil Procedure allows for dismissal where a Plaintiff fails to prosecute his case. Plaintiff has filed no objection to the R & R, even though he was informed in the R & R that any objection needed to be filed within ten days of service of the R & R. (Id. at 2).

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). In this case, the Magistrate Judge was correct in recommending dismissal since there is no indication that Plaintiff has effected service and Plaintiff has taken no action in this case since he filed his Complaint on July 10, 2008.

Accordingly, the R & R (Docket Entry No. 3) is hereby ACCEPTED and APPROVED and this case is hereby DISMISSED WITHOUT PREJUDICE.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE