

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

JACK NEWBERRY)	
Plaintiff(s))	
)	
v.)	Civil Action No. 2:14-0024
)	Judge Sharp/Frensley
W.B. MELTON, et al.)	
Defendant(s))	

REPORT AND RECOMMENDATION

The undersigned previously entered an Order on January 27, 2017 (Docket No. 81), requiring Plaintiff to file with the Court a written explanation showing cause for his failure to serve Defendant Overton County, Tennessee within 90 days after the filing of the Complaint pursuant to Fed.R.Civ.P. 4(m). The Order required Plaintiff to file such explanation within fourteen (14) days of the date of entry of the Order, and it also stated in pertinent part, “If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice.”

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court’s previous Order. Therefore, the undersigned recommends that **Defendant Overton County, Tennessee be dismissed without prejudice.**

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of

service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

A handwritten signature in black ink, appearing to read "Jeffery S. Frensley", written over a horizontal line.

JEFFERY S. FRENSLEY
United States Magistrate Judge