

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JAMES CARTER, TDOC #258642** )  
)  
**Plaintiff,** )  
)  
)  
**vs.** )  
)  
)  
**SERGEANT DALE HUNT,** )  
)  
**Defendant.** )

**CASE NO. 3:10-0058  
JUDGE CAMPBELL/KNOWLES**

**REPORT AND RECOMMENDATION**

On March 21, 2011, the undersigned entered an Order requiring Plaintiff to respond to previously-served Interrogatories on or before April 11, 2011. Docket No. 105. The Order also provided:

Finally, Plaintiff is admonished that he must serve all papers he files in this action upon Defendant Hunt. If he continues to fail to do so, the undersigned will recommend that this action be dismissed.

*Id.*, p. 3.


On April 7, 2011, Plaintiff filed a “Motion for enlargement of time to Respond.” Docket No. 114. The Motion seeks an additional “sixty (60) days, up to an including May 23, 2011,” in which to respond to the Interrogatories.

The Motion, however, does not contain a Certificate of Service. As Defendant has previously pointed out, Plaintiff has continually failed to serve documents upon Defendant. Docket No. 100. A brief review of Plaintiff’s filings in this action confirms that virtually none

of them contains Certificates of Service. *See, e.g.*, Docket Nos. 12, 42, 48, 59, and 69.

For the foregoing reasons, the undersigned recommends that this action be DISMISSED pursuant to Rule 41(b), for Plaintiff's failure to comply with the Court's Order entered March 21, 2011 (Docket No. 105).

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. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
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E. Clifton Knowles  
United States Magistrate Judge