

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

SANDRA F. HAYNIE)
)
 v.) NO. 3:10-0207
)
 GREATER NASHVILLE REGIONAL)
 COUNCIL (HUD))

TO: Honorable Todd J. Campbell, Chief District Judge

REPORT AND RECOMMENDATION

By Order entered July 6, 2010 (Docket Entry No. 12), the Court referred this action to the Magistrate Judge, pursuant to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 636(b)(1)(A) and (B), for scheduling pre-trial discovery, monitoring the progress of the parties, and consideration of all pretrial matters.

The Plaintiff filed this pro se action on March 1, 2010, against the “Greater Nashville Regional Council (HUD)” asserting that she was denied a “housing rehab grant.” See Complaint (Docket Entry No. 1), at 2. The Plaintiff’s application to proceed in forma pauperis was denied by Order entered May 21, 1010 (Docket Entry No. 6), and the Plaintiff was required to pay the filing fee in this action, which she did on June 2, 2010. See Docket Entry No. 10.

By Order entered August 2, 2010 (Docket Entry No. 16), the Plaintiff was advised that she was responsible for serving the defendant with the summons and complaint, in compliance with Rule 4 of the Federal Rules of Civil Procedure. The Court explained that she must serve the defendant with the summons and complaint within 120 days of June 2, 2010, when her filing fee was paid, in accordance with Rule 4(m) or this action would be dismissed, unless the time was extended by the Court upon a showing of good cause. To date, the record does not reflect that the defendant

has been served with process in the action, and the Plaintiff has made no filings since the Court's Order entered August 2, 2010.

Rule 4(m) requires that the defendants be served with process within 120 days of the date this action was filed and provides that, in the absence of a showing of good cause by the Plaintiff for why service has not been timely made, the Court "must dismiss" the action without prejudice or order that service be made within a specified time. The Plaintiff has not shown that service of process has been made upon the defendant or shown good cause for why service has not been timely made. Accordingly, the Court finds that dismissal of the action is warranted under Rule 4(m).

RECOMMENDATION

Accordingly, the Court respectfully RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of service of this notice and must state with particularity the specific portions of this Report and Recommendation to which objection is made. Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Respectfully submitted,


JULIET GRIFFIN
United States Magistrate Judge