

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

| | | |
|------------------------------------|---|--------------------------------|
| JASON M. CARTER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:14-cv-01337 |
| v. |) | |
| |) | Judge Sharp |
| STATE OF TENNESSEE, et al., |) | Magistrate Judge Holmes |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff Jason M. Carter, who is proceeding pro se, filed this lawsuit alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Plaintiff’s claims arise from his arrest, detention, and criminal prosecution. (Docket No. 1).

Magistrate Judge Holmes has issued a Report and Recommendation (“R & R”) (Docket No. 27) in which she recommends, *sua sponte*, that this case be dismissed for failure to prosecute and failure to timely serve the summons and complaint on Defendants. In the R & R, Magistrate Judge Holmes relies on the Court’s inherent power to manage its docket, the Local Rules of Court, and the Federal Rules of Civil Procedure.

Plaintiff timely filed objections to the R & R in which he appears to assert that he properly served the complaint and summons on Defendants. Plaintiff states that “although the Plaintiff has had the Court stamp the summons of the Defendants, the Court denies receiving such summons. They are enclosed herewith.” (Docket No. 29 at 1). However, Plaintiff failed to actually include any summons and the record indicates that Defendants still have not been served. Prior to filing these objections, Plaintiff had not acted upon his case for over a year.

Accordingly, having considered the matter de novo as required by Rule 72 of the Federal

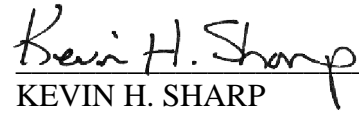
Rules of Civil Procedure, the Court agrees with the recommended disposition.

The Court hereby rules as follows:

- 1) The Report and Recommendation (Docket No. 27) is ACCEPTED and APPROVED;
and
- 2) This case is DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court shall enter judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE