

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEANON TILLEY, #1542552,

Plaintiff,

v.

NFN GONZALES, et al.,

Defendants.

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No. **3:09-CV-2451-L**

ORDER

Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed October 27, 2010. This is a *pro se* civil action. The magistrate judge recommends granting Defendant Haggarty's Motion for Summary Judgment, filed August 2, 2010. Plaintiff did not file any objections.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court **grants** Defendant Haggarty's Motion for Summary Judgment, filed August 2, 2010, and **dismisses** the claims against Defendant Haggarty **with prejudice**.

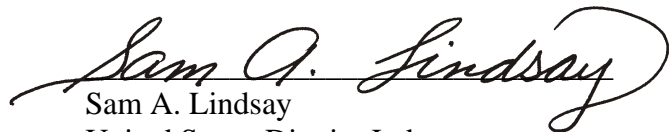
On October 27, 2010, the court directed Plaintiff to show cause in writing why his claims against Officer Gonzalez should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely serve him. The court warned Plaintiff that failure to comply with its order would result in dismissal of his claims against Defendant Gonzalez without further notice for failure to prosecute.

Plaintiff has not served Defendant Gonzalez or shown good cause in writing why his claims against this Defendant should not be dismissed. Accordingly, the court **dismisses** Plaintiff's claims

against Defendant Gonzalez **without prejudice** pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to effect service on Defendant Gonzalez.*

This order resolves Plaintiff's remaining claims that remain in light of the court's order of April 15, 2010. Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the court will enter judgment by separate document.

It is so ordered this 22nd day of November, 2010.


Sam A. Lindsay
United States District Judge

*Although the magistrate judge references the "failure to prosecute" language of Rule 41(b) of the Federal Rules of Civil Procedure, the court believes that this action should be dismissed pursuant to Rule 4(m) rather than 41(b).