

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JASON BROOKS SHERWOOD,

Plaintiff,

v.

Civil Action No. 3:15CV241

CONMED,

Defendant.

MEMORANDUM OPINION

Jason Brooks Sherwood, a Virginia inmate proceeding pro se and in forma pauperis, filed this civil rights action. The matter is before the Court on Sherwood's failure to serve Defendant Conmed within the time required by Federal Rule of Civil Procedure 4(m).¹

Pursuant to the version of Federal Rule of Civil Procedure 4(m) in effect at the time the Court filed the action, Sherwood had one hundred and twenty (120) days from the filing of the complaint to serve the defendant. Here, that period commenced

¹ Rule 4(m) provided:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

on October 30, 2015. More than one hundred and twenty (120) days elapsed and Sherwood failed to serve Conmed. Accordingly, by Memorandum Order entered on March 4, 2016 the Court directed Sherwood to show good cause for his failure to serve Conmed. Sherwood failed to respond to the March 4, 2016 Memorandum Order. Because Sherwood fails to demonstrate good cause for his failure to serve Conmed, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Sherwood.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *March 23, 2016*