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

MARKESE LEWIS,

Plaintiff,

v. **Civil Action No. 3:21cv191**

CHRISTOPHER WALZ, *et al.*,

Defendants.

MEMORANDUM OPINION

Markese Lewis, a former Virginia inmate proceeding *pro se* and *in forma pauperis* filed this civil rights action. The action is proceeding on Lewis' Particularized Complaint. (ECF No. 8.) In his Particularized Complaint, Lewis named Christopher Walz, Captain Barnes, Captain Bhagirath, and Major Cowan as Defendants. By Memorandum Order entered on October 17, 2022, the Court dismissed all claims against Defendants Barnes and Cowan. (ECF No. 10, at 1.) The matter is before the Court on Lewis's failure to serve Defendants Walz and Bhagirath within the time required by Federal Rule of Civil Procedure 4(m).[1]

Pursuant to Federal Rule of Civil Procedure 4(m), Lewis had ninety days from the filing of the complaint to serve Defendants Walz and Bhagirath. Here, that period commenced on

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[1] Rule 4(m) provides:

> If a defendant is not served within 90 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).

Fed. R. Civ. P. 4(m).

October 17, 2022.[2] By Memorandum Order entered on February 1, 2023, the Court directed Lewis, within twenty (20) days from the date of entry thereof, to show good cause for his failure to timely serve Defendants Walz and Bhagirath. Lewis has not responded to February 1, 2023 Memorandum Order.

Because Lewis fails to demonstrate good cause for his failure to serve Defendants Walz and Bhagirath, all claims against Defendants Walz and Bhagirath will be DISMISSED WITHOUT PREJUDICE. The action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order shall issue.

/s/
M. Hannah Lauck
United States District Judge

Date: 4-19-2023
Richmond, Virginia

[2] The Court considers the complaint "filed" on the date it concludes statutory screening under the Prison Litigation Reform Act. *See Ford v. Johnson*, 362 F.3d 395, 398 (7th Cir. 2004).