

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

SAMUEL HUGHES,
Plaintiff,

v.

Civil Action No. 3:21cv232

DR. PATELL & HAMPTON
ROADS REGIONAL JAIL,
Defendants.

MEMORANDUM OPINION

Samuel Hughes, a Virginia prisoner proceeding *pro se* and *in forma pauperis*, brings this action. Pursuant to Federal Rule of Civil Procedure 4(m),¹ Hughes had ninety (90) days from the filing of the complaint to serve Defendant Patell.² Here, that period commenced on October 14, 2021. (*Id.*) By Memorandum Order entered on April 21, 2022, the Court directed Hughes, within eleven (11) days from the date of entry thereof, to show good cause for his failure to serve Defendant Patell within the time required by Rule 4(m). (ECF No. 8.) The Court specifically warned Hughes that a failure to respond would result in the dismissal of this action without prejudice. (*Id.* at 1.)

¹ Rule 4(m) provides, in pertinent part:

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.

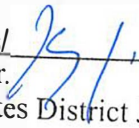
Fed. R. Civ. P. 4(m).

² By Memorandum Order entered on October 14, 2021, the Court dismissed Hughes's claims against the Hampton Roads Regional Jail. (*See* ECF No. 6.) At this juncture, Defendant Patell is the only remaining defendant.

More than eleven (11) days have elapsed since the entry of the April 21, 2022 Memorandum Order, and Hughes has not responded to the April 21, 2022 Memorandum Order or otherwise communicated with the Court. Hughes's failure to respond or otherwise communicate with the Court indicates a lack of interest in litigating this matter. *See* Fed. R. Civ. P. 41(b). Accordingly, all claims against Defendant Patell and this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order will accompany this Memorandum Opinion.

Date: 12 May 2022
Richmond, Virginia



John A. Gibney, Jr.
Senior United States District Judge