

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

CAINE CALIF DAVIS,

Plaintiff,

v.

Civil Action No. **3:23CV44**

JOHN DOE, K-9 CORRECTIONAL OFFICER,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, brings this action. Under Federal Rule of Civil Procedure 4(m),¹ Plaintiff has 90 days to serve Defendant. Here, that period commenced on August 31, 2023.² More than 90 days have elapsed, and Plaintiff has not served Defendant. Accordingly, by Memorandum Order entered on December 13, 2023, the Court directed Plaintiff, within twenty (20) days of the date of entry thereof, to show good cause why the action against Defendant should not be dismissed without prejudice.

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 In the August 31, 2023 Memorandum Order, the Court explained that Plaintiff named, “JOHN DOE, K-9 Correctional Officer” as Defendant. (ECF No. 9, at 1.) The Court informed Plaintiff that if he wanted the assistance of the Court in serving Defendant, he must more thoroughly identify Defendant, or to the extent he can, provide a name. (*Id.*) The Court explained that, upon the provision of this information, the Clerk would attempt to serve Defendant.

More than twenty (20) days have elapsed, and Plaintiff has not responded to the December 13, 2023 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of this Memorandum Order to Plaintiff.

It is so ORDERED.

Date: 1/11/24
Richmond, Virginia

/s/ 

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