

FILED  
*for Roanoke*  
APR 10 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *M. Hupp*  
DEPUTY CLERK

VINCE GILMER,  
Plaintiff,

v.

DR. THOMPSON, et al.,  
Defendants.

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Civil Action No. 7:11-cv-00456

MEMORANDUM OPINION

By: Hon. Jackson L. Kiser  
Senior United States District Judge

Vince Gilmer, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 with jurisdiction vested in 28 U.S.C. § 1343. Plaintiff filed this action in September 2011, and he paid the \$350.00 filing fee on December 1, 2011, after the court denied him leave to proceed in forma pauperis. The court informed plaintiff that he was required to serve the complaint on the defendants within 120 days of December 1, 2011, or the action would be dismissed without prejudice. Fed. R. Civ. P. 4(m).

Plaintiff has not filed any evidence of service, pursuant to Rule 4(l), Fed. R. Civ. P. Plaintiff also has not established good cause to excuse his failure to serve the action within 120 days of December 1, 2011, especially in light of plaintiff's admissions about an attorney's involvement and the money in plaintiff's inmate trust account. Accordingly, the action is dismissed without prejudice, pursuant to Rule 4(m).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to plaintiff.

ENTER: This 10<sup>th</sup> day of April, 2012.

*Jackson L. Kiser*  
Senior United States District Judge