

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

TCYK, LLC, )  
 )  
 Plaintiff, )  
 )  
 v. ) No.: 3:13-CV-251-TAV-BHG  
 )  
 Does 1-98, )  
 )  
 Defendants. )

**ORDER OF DISMISSAL**

On November 18, 2013, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed an 11-page Report and Recommendation (R&R) [Doc. 16] in which he recommended that Plaintiff's claims against Doe Defendants 2-98 be dismissed, without prejudice and that Plaintiff be given thirty days to serve Doe 1.

There being no timely objections by Plaintiff, *see* 28 U.S.C. § 636(b)(1), on December 23, 2013, the Court dismissed Defendants 2-98 from the case and ordered Plaintiff to serve Doe Defendant 1 within thirty (30) days of entry of the Court's Memorandum and Order [Doc. 17].

Plaintiff has failed to serve Defendant Doe 1 within the time set out in the Court's order. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the Court finds that this case shall be dismissed.

Federal Rule of Civil Procedure 4(m) states:

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 the defendant or order that service be made within a specified time.

Here, Plaintiff has failed to serve the summons and complaint on Defendant Doe 1 within 120 days of filing the complaint and failed to serve Defendant Doe 1 within 30 days of the Court's order entered December 23, 2013, indicating to the Court that Plaintiff has no interest in prosecuting this action.

Accordingly, the Court finds that this action shall be **DISMISSED** for failure to prosecute.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE