

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BOBBY GREEN)	
Plaintiff,)	
)	
v.)	Civil No. 3:15-CV-0865
)	Judge Lawson
ALBERT U. TIECHE, ET AL.)	Magistrate Frensley
Defendants.)	

REPORT AND RECOMMENDATION

This is a pro se action raising denial of voting rights claims. Plaintiff’s complaint was filed August 7, 2015. Docket No. 1. Plaintiff failed to obtain service on any of the Defendants. On November 16, 2016, the Court entered an Order for the Plaintiff to show cause for his failure to serve Defendants within ninety days after filing of the Complaint. Docket No. 18. Plaintiff was advised that his failure to comply with the provisions of this Order would result in a recommendation that his action be dismissed without prejudice. *Id.*

Pending before the Court is Plaintiff’s Motion Belately (sic) For Extension Of Needed Time wherein he states that he misplaced the Court’s Orders and needed “(a) small amount of additional (A)nswering time.” Docket No. 24. Also pending before the Court is Plaintiff’s Motion to Defer the Response to Order and Emergency Notice wherein he requests that the Court not act on his motion for extension of time until after decisions on issues regarding venue or recusal are resolved though neither issue is before the Court in any fashion. Docket No. 25.

For the reasons stated herein, the undersigned recommends that the Plaintiff’s motions be denied and the matter be dismissed without prejudice for failure to comply with the Court’s show cause order of November 16, 2016. Docket No. 18.

As noted above, this action was filed on August 7, 2015. Docket No. 1. Plaintiff did not obtain service on any of the Defendants and has not to this day. After receiving the Show Cause Order entered on November 17, 2106, Plaintiff still has not obtained service or otherwise responded to the Order. In that Order, the Court specifically advised the Plaintiff his failure to do so would result in a recommendation that the action be dismissed without prejudice. The Plaintiff's pending motions in no way impact the requirement of this Court's Show Cause Order and notwithstanding the motions he has failed to comply with the Court's Order. For these reasons, the Court recommends that Plaintiff's Motion for Extension of Time (Docket No. 24) and Motion to Defer the Response to Order (Docket No. 25) be denied and based upon his failure to comply with the Court's Order to show cause that this action be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any response to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986).


JEFFERY S. FRENSLEY
U. S. District Magistrate Judge