



the court finds that there has been insufficient process and insufficient service of process on Defendant, Mosaic Fertilizer, LLC. Under Federal Rule of Civil Procedure 4(m), Plaintiff must serve Defendant within 120 days after the complaint was filed or the court must dismiss the action without prejudice against that defendant or order that service be made within a specified time. Because 120 days have not yet elapsed from the filing of Plaintiff's Complaint, the court finds that dismissal is not warranted at this time and thus the court **DENIES** at this time Defendant's Motion to Dismiss for Insufficient Process and Insufficient Service of Process.

However, the court **GRANTS** Defendant's Motion to the extent that it seeks an order for proper service, and the court **ORDERS** Plaintiff to properly serve Mosaic Fertilizer, LLC, with summons and his complaint, *all within the requirements of Federal Rule of Civil Procedure 4*, by Monday, May 24, 2010. The court finds that Defendant's incorporated Motion to Dismiss for Lack of Personal Jurisdiction and Motion for More Definite Statement are premature.

New Orleans, Louisiana, this **21st** day of **April**, 2010.

  
A.J. McNAMARA  
UNITED STATES DISTRICT JUDGE