

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF ALABAMA
SOUTHERN DIVISION**

A. JASON MOODY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:12-cv-4056-JHE
)	
THE ALABAMA DEPARTMENT)	
OF TRANSPORTATION, et al.,)	
)	
Defendants.)	

ORDER OF DISMISSAL

The plaintiff initiated this action by filing a complaint on December 10, 2012. He filed his first amended complaint on January 21, 3013, and filed his restated first amended complaint on January 23, 2013.

On May 21, 2013, the court entered an order noting that although the case was six months old, all of the defendants had not yet appeared, and it was unclear whether service had been attempted on all of the defendants. The plaintiff was ordered to file proof of service within fourteen days as to the defendants who had not yet appeared.

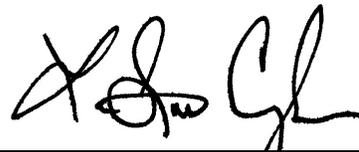
On May 23, 2013, the plaintiff filed a Notice Regarding Service, stating that all defendants except Chad Standridge have been served. Doc. 35. The plaintiff explained that multiple attempts to serve Standridge at his previous work address and the location believed to be his residence had failed, but that he had new information on a potential location where Standridge might be served, and he would continue his attempts to serve Standridge. *Id.* at 2-3.

On June 11, 2013, two of the defendants in this case, the Alabama Department of Transportation and Johnny L. Harris, moved to dismiss defendant Chad Standridge from the case due to the plaintiff's failure to perfect service on Standridge within 120 days. Doc. 36. On June 28, 2013, the court entered an order directing the plaintiff to show cause in writing on or before July 11, 2013, why this action should not be dismissed against defendant Standridge. Doc. 38. The plaintiff filed nothing in response to the court's order to show cause.

On September 6, 2013, the magistrate judge entered a report and recommendation, recommending the Motion to Dismiss Defendant Chad Standridge be GRANTED and Chad Standridge be DISMISSED from this action without prejudice. No objections to the report and recommendation have been filed.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that, due to lack of prosecution, the action as to defendant Chad Standridge is DISMISSED WITHOUT PREJUDICE.

Done this 24th day of September 2013.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
[160704]