

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

OTIS JOE REYNOLDS, *
*
Plaintiff, *
*
vs. * No. 1:10CV00076
*
DROP FARMS, INC.; DANNY WIGINTON; *
PEDRO RODRIGUEZ, AND PEDRO *
RODRIGUEZ, JR.; *
*
Defendants. *

Order

Before the Court is a motion to dismiss filed by separate defendants Danny Wiginton and Pedro Rodriguez to which there has been no timely response.

Plaintiff filed his complaint in the Circuit Court of Jackson County, Arkansas, on August 5, 2010. The case was removed to federal court on September 21, 2010. Separate defendants Wiginton and Rodriguez filed a motion to dismiss on February 2, 2011, for insufficient service of process. According to Fed.R.Civ.P. 4(m), if a defendant is not served within 120 days after the complaint is filed, the court may dismiss the action without prejudice against that defendant.

The Court finds the motion [docket entry 10] should be and is hereby granted. The claims against Wiginton and Rodriguez are dismissed without prejudice.

DATED this 24th day of February, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE