

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

PHILLIP WILLIAMS,
ADC #115975

PLAINTIFF

v.

No. 2:11CV00113 JLH-JJV

RAY HOBBS, *et al.*

DEFENDANTS

ORDER

Phillip Williams filed this action on June 20, 2011. Summons was returned unexecuted for Officer Lewis on September 6, 2011. By Order dated September 13, 2011, the Court notified Williams that Rule 4(m) of the Federal Rules of Civil Procedure provides a 120-day time limit for effecting service on a defendant, and he had one final opportunity to correctly identify and obtain service on Officer Lewis within fifteen days. The Court further advised Williams that failure to respond or obtain service would result in dismissal of Officer Lewis from the complaint. To date, the Court has not received any additional information from the Williams, and Officer Lewis has not been served with the summons and complaint.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

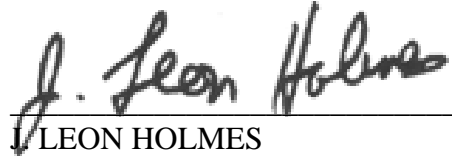
If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

This Court’s September 13, 2011, Order constituted notification to the plaintiff, within the meaning of Rule 4, that service should be effected within a specified period of time. That time has now expired and Williams has not responded to the Order or provided proof of service; the Court will dismiss Officer Lewis from the complaint without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that Officer Lewis is DISMISSED from Williams’s

complaint without prejudice for failure to serve.

IT IS SO ORDERED this 1st day of November, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

LEON HOLMES
UNITED STATES DISTRICT JUDGE