

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

CLARA MCMILLIAN

PLAINTIFF

v.

NO. 3:08CV00017 JLH

UNION PACIFIC RAILROAD COMPANY and
SEA TRAIN LOGISTICS, LLC

DEFENDANTS

NOTICE

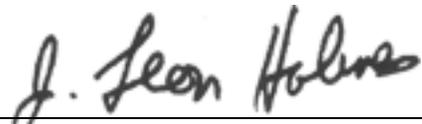
The complaint in this case was filed on November 21, 2007, in the Circuit Court of Crittenden County, Arkansas, and removed to this Court on February 6, 2008. More than 120 days have passed. Plaintiff has not filed proof of service on separate defendant Sea Train Logistics, LLC.

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

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Notice is hereby given to the plaintiff that the Court will dismiss this action as against Sea Train Logistics, LLC, without prejudice unless proof of service is filed on or before January 29, 2009, or the plaintiff establishes good cause for the failure to serve summons and complaint within 120 days after the filing of the complaint.

DATED this 15th day of January, 2009.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE