

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

NATHANIEL FITZGERALD

PLAINTIFF

3:09CV00154HLJ

RICHARD BUSBY, et al.

DEFENDANTS

ORDER

Plaintiff originally filed this action on September 4, 2009. The Court notes that as of this date, defendant Boyken has not been served, despite numerous attempts to locate his last-known address and achieve service. Fed.R.Civ.P. 4(m) provides for a 120-day time limit for effecting service on a defendant, and that **after notice to the plaintiff**, the Court “shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time...”

Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff shall have one last opportunity in which to provide a present address on defendant Boyken within ten days of the date of this Order. Failure to provide such or obtain service on defendant Boyken shall result in his dismissal from plaintiff’s complaint.

IT IS SO ORDERED this 16th day of March, 2010.

Henry L. Jones, Jr.

United States Magistrate Judge