

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

GLEN RAY, d/b/a GLEN RAY'S TOWING &
RECOVERY, INC.; MARTY RAY; and
FRANCISCO MARTINEZ

PLAINTIFFS

v.

No. 3:10CV00185 JLH

CRETE CARRIER CORPORATION
and DARRELL WEISS

DEFENDANTS

NOTICE

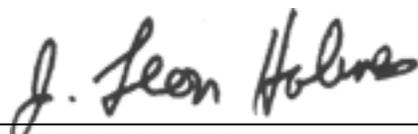
The complaint in this case was originally filed in the Crittenden County Circuit Court and subsequently removed to this Court by defendant Crete Carrier Corporation on August 11, 2010. More than 120 days have passed. Plaintiffs have not filed proof of service on defendant Darrell Weiss.

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 plaintiffs that the Court will dismiss this action as to defendant Darrell Weiss without prejudice unless proof of service is filed *on or before July 6, 2011*, or the plaintiffs establish good cause for the failure to serve summons and complaint on defendant Darrell Weiss within 120 days after the filing of the complaint.

IT IS SO ORDERED this 6th day of June, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE