

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

FRED SMITH, State Representative

PLAINTIFF

v.

No. 3:13CV00050 JLH

STATE OF ARKANSAS; and
APRIL CANTRELL

DEFENDANTS

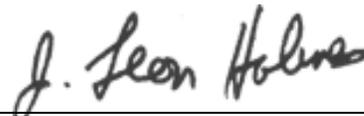
ORDER

Plaintiff, Fred Smith, filed a complaint in this action on February 14, 2013. More than 120 days have passed. Plaintiff has not filed proof of service on the separate defendant, State of Arkansas. 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.

Notice is hereby given to the plaintiff that the Court will dismiss this action as to the State of Arkansas unless proof of service is filed *on or before Monday, December 16, 2013*, or the plaintiff establishes good cause for the failure to serve summons and complaint on the State of Arkansas within 120 days after the filing of the complaint.

IT IS SO ORDERED this 14th day of November, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE