

**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; THOMAS D. DEEN;  
PAM STEPHENSON; APRIL CANTRELL;  
RICK G. MCKELVEY; BARRY E. ROY;  
MIKE MIDDLETON; ARKANSAS STATE  
POLICE; DERMOTT SCHOOL DISTRICT;  
J. BIGHAM, Deputy Sheriff; and DESOTO  
COUNTY SHERIFF DEPARTMENT

DEFENDANTS

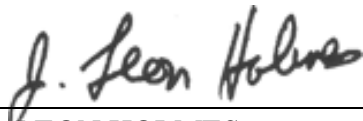
**ORDER**

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 defendants. 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 unless proof of service is filed *on or before Wednesday, July 17, 2013*, or the plaintiff establishes good cause for the failure to serve summons and complaint on the defendants within 120 days after the filing of the complaint.

IT IS SO ORDERED this 17th day of June, 2013.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE