

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

SHEILA PATTON

PLAINTIFF

v.

No. 3:14-cv-146-DPM

**PLS CAPITAL GROUP, INC. and
BRIAN C. MILES**

DEFENDANTS

ORDER

Patton moves for entry of default judgment against PLS Capital Group, Inc. PLS appears to have been properly served in July 2011. *No. 8*. More than four months have passed. PLS has not answered or appeared. The motion, *No. 11*, is therefore granted as modified.

The Court will enter judgment for Patton for \$1,000.00 in statutory damages, \$1,000.00 in actual damages, \$400.00 in costs, and \$1,500.00 in attorney fees. The Court can't tax the \$295.00 paid for using a private process server. 28 U.S.C. § 1920; *Cruet v. KFC Corp.*, 768 F.2d 230, 234 (8th Cir. 1985). In awarding a lower fee than requested, the Court has considered all material circumstances, especially the average hourly rate in this area for this kind of work. *Moysis v. DTG Datanet*, 278 F.3d 819, 828 (8th Cir. 2002).

Patton has not provided proof of service on Miles. The period for serving him has expired. All Patton's claims against Miles are therefore dismissed without prejudice. FED. R. CIV. P. 4(m).

So Ordered.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

31 December 2014