White v. Arkansas Department of Human Services et al Doc. 19

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

ROBERTA WHITE **PLAINTIFF**

v. **No. 3:14-cv-311-DPM**

ARKANSAS DEPARTMENT OF HUMAN SERVICES and CINDY ROWLETT, Area Director **DEFENDANTS**

ORDER

After the defendants identified various service defects, *№ 10 & 11*, the Court reopened and extended White's time to serve her suit papers correctly. *№ 14*. The Court warned White in mid-August that her case would be dismissed if she didn't redo service by a mid-September deadline. *Ibid.* The Court denied reconsideration, and emphasized the deadline, in early September. *№ 16*. White hasn't re-served either defendant; she has simply re-filed the papers from her attempts at service several months ago. *№ 17 & 18*. This is not enough. The service on Cindy Rowlett was ineffective because someone other than Rowlett signed for the envelope, and White hasn't shown that the signer was an agent authorized in writing under the postal regulations. *№ 17 at 3*. FED. R. CIV. P. 4(e)(1); Ark. R. CIV. P. 4(d)(8)(A)(I); *Wilburn v. Keenan Companies, Inc.*, 298 Ark. 461, 462–63, 768 S.W.2d 531, 532

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(Ark. 1989). The service on the Department of Human Services was ineffective because White didn't serve the Department's director. FED. R. CIV. P. 4(j)(2). The Complaint must be dismissed without prejudice for lack of good and prompt service. FED. R. CIV. P. 4(m).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

19 November 2015