

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

**KEITH PRICE, individually and  
as father and next friend of  
Magdelyn Price, a minor**

**PLAINTIFF**

v.

**CASE NO. 4:09-CV-00910 BSM**

**HEWLETT-PACKARD COMPANY**

**DEFENDANT**

**ORDER**

Defendant Hewlett-Packard Company (“HP”) moves to dismiss plaintiff Keith Price’s complaint (Doc. No. 9). Price has not responded. For the reasons set forth below, HP’s motion is granted and Price’s complaint is dismissed with prejudice.

Price’s complaint is virtually identical to the one he filed in *Price v. Hewlett Packard Company* (Case No. 4:08-cv-00008), a case that was closed by the undersigned on September 10, 2008 for Price’s failure to serve HP properly under Arkansas Rule of Civil Procedure 4. A year later, Price re-filed his case in Conway Circuit Court on September 10, 2009. HP removed the case to federal court on December 4, 2009, and moved to dismiss Price’s complaint on April 16, 2010. For the same reasons stated in the September 5, 2008 order of dismissal (Doc. No. 12), Price has again failed to serve HP under Arkansas Rule of Civil Procedure 4. Therefore, Price’s complaint should be dismissed with prejudice for failing to correct the previous service defect.

Accordingly, HP’s motion to dismiss for insufficiency of service of process (Doc. No. 9) is granted, and Price’s complaint is dismissed with prejudice.

IT IS SO ORDERED THIS 27th day of July, 2010.

  
UNITED STATES DISTRICT JUDGE