

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

GLORIA JEAN CRAWFORD,

*

*

Plaintiff,

*

*

vs.

*

No. 4:09CV00932 SWW

*

VAN BUREN COUNTY, ARKANSAS;
ET AL.,

*

*

*

Defendants.

*

Order

Before the Court are the motions of separate defendant Van Buren County to strike and set aside service of process on separate defendant Debby Fogle, Van Buren County Animal Control Officer, to which there has been no timely response. The Court finds the motions should be granted.

According to Van Buren County, plaintiff attempted service on Fogle at the Van Buren County Animal Control Office on or about January 21, 2010. Separate defendant states Fogle has not worked at that office in years and moved out of state some time ago. Therefore, plaintiff's attempt to serve her at that location was ineffective under Fed.R.Civ.P. 4(e) and should be stricken and set aside. Separate defendant further submits a copy of an order for *nolle prosequi* of a criminal case, finding that Fogle, the State's key material witness, cannot be located.

IT IS THEREFORE ORDERED that the motion to strike [doc. no. 5] and the supplemental motion to strike [doc. no. 13] should be and are hereby granted.

DATED this 23rd day of March, 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE