

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

**BILL FLATNESS and ASHLEY SMITH**

**PLAINTIFFS**

**VS.**

**4:15-CV-00329-BRW**

**GARY BURNETT, *et al.***

**DEFENDANTS**

**ORDER**

Pending is Defendant Bobby Derdan's Motion to Dismiss Plaintiff's Complaint (Doc. No. 32) under Federal Rule of Procedure 12(b)(5). Because I see no prejudice (the same reason I denied Plaintiff's Motion for Default Judgment and allowed Defendant Derden to answer out of time), the Motion is DENIED. Plaintiff must perfect service on Defendant Derden by 5 p.m., Wednesday, April 27, 2016.

IT IS SO ORDERED this 13th day of April, 2016.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE