

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

KENNY CHATMON, JR

PLAINTIFF

v.

No. 4:23-cv-1128-DPM

AMAZON.COM SERVICES, LLC

DEFENDANT

ORDER

1. Kenny Chatmon works for Amazon as a transportation associate. In August 2023, Amazon asked Chatmon to take a drug test. *Doc. 2 at 3–4*. He objected because he thought he would fail and was concerned that the test results would be shared on the CDL Clearinghouse, an online database that provides information about CDL holders' drug and alcohol program violations. Chatmon took the test, though, so he wouldn't lose his job. And he tested positive for marijuana. Amazon reassigned him based on this result. Chatmon claims that Amazon defamed him when the company shared the results of his drug test with the Department of Transportation, possibly compromising his CDL. *Doc. 1 at 23*. He paid the filing fee and initiated this suit in Pulaski County Circuit Court. *Chatmon v. AmazonServices.Com, LLC, 60CV-23-8206*. Amazon removed the case and now moves to dismiss for insufficient service of process and failure

to state a claim. *Doc. 5*; Fed. R. Civ. P. 12(b)(5) & (6). Chatmon has not responded.

2. Chatmon is not indigent and is responsible for completing good service. He attempted to do so by hand-delivering the summons and complaint to Amazon, although it's unclear to whom Chatmon delivered the documents. *Doc. 1 at 26-27*. This service was ineffective. In Arkansas, a plaintiff can't serve his complaint in person. Ark. R. Civ. P. 4(c)(2). Amazon's motion to dismiss explained how to perfect service, but Chatmon has made no effort to do so. And he has not sought more time to do so. *Compare* Fed. R. Civ. P. 4(m).

3. On the merits, Chatmon's defamation claim fails. Chatmon pleads that he knew he would fail the drug test because he had "weed/THC in my system." *Doc. 2 at 4*. Amazon didn't defame him by sharing that truth with the CDL Clearinghouse. *Little Rock Newspapers, Inc. v. Fitzhugh*, 330 Ark. 561, 568, 954 S.W.2d 914, 918 (1997).

\* \* \*

Amazon's motion to dismiss, *Doc. 5*, is granted. Chatmon's complaint will be dismissed without prejudice.

So Ordered.

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

23 February 2024