

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JON MILLS,
ADC #86911

PLAINTIFF

v.

5:05-cv-00304-BSM-JTK

DAVID WHITE, et al.

DEFENDANTS

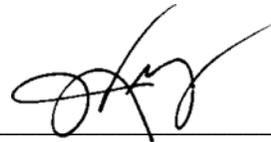
ORDER

Plaintiff originally filed this action on November 3, 2005 (Doc. No. 1). The Court notes that as of this date, Defendant Jeremy Andrews has not been served (Doc. No. 35 - summons returned, unexecuted).¹ According to FED.R.CIV.P. 4(m), a Defendant must be served within 120 days of the filing of the Complaint, and **after notice to the plaintiff**, the Court “must dismiss the action without prejudice against that Defendant or order that service be made within a specified time...”

Accordingly,

IT IS, THEREFORE, ORDERED that unless Plaintiff obtains service over Defendant Andrews within ten days of the date of this Order, the Court will dismiss him from Plaintiff’s Complaint.

IT IS SO ORDERED this 9th day of June, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE

¹The Court also notes that although Plaintiff named Defendant Andrews as a Defendant in his Amended Complaint (Doc. No. 29), he did not specify any particular unconstitutional actions by him in the body of his Complaint. In addition, the only remaining claim in this case is the unreasonable strip search claim against Defendant Bailey.