

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

BRIAN J. WEBB,
ADC #141031

PLAINTIFF

v.

5:10-cv-00047-JMM-JTK

WENDY KELLEY, et al.

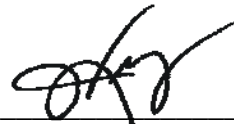
DEFENDANTS

ORDER

Plaintiff originally filed this action on May 12, 2009 (Doc. No. 1). The Court notes that as of this date, Defendant J. Davis has not been served, despite two attempts (Doc. Nos. 36, 48). 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 Plaintiff shall have one last opportunity in which to provide a present address on Defendant J. Davis within 10 days of the date of this Order. Failure to provide such or obtain service on J. Davis shall result in his dismissal from Plaintiff’s Complaint.

IT IS SO ORDERED this 23rd day of September, 2010.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE