

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

ISAAC RUSSELL,  
ADC #132326

PLAINTIFF

v.

5:11-cv-00159-SWW-JTK

CORRECTIONAL MEDICAL  
SERVICES, INC., et al.

DEFENDANTS

**ORDER**

Plaintiff originally filed this action on June 23, 2011 (Doc. No. 2). Summons was returned, unexecuted, with respect to Defendants Richard Pritchard and Robert Ware on August 25, 2011 (Doc. Nos. 20, 21). The Court then directed Plaintiff to further identify these Defendants and provide their correct addresses to the Court (Doc. No. 24). In Response, Plaintiff asked that Defendants assist him in locating these Defendants (Doc. No. 31). Therefore, by Order dated September 14, 2011, the Court directed Defendants to provide those last-known addresses (Doc. No. 35). In Response, Defendants state there is no record of a Richard Pritchard or a Robert Ware ever being employed by or contracted with Defendant Correctional Medical Services (Corizon) (Doc. No. 37). Defendants also state that service has been accepted for Defendant David Ware, and query whether Plaintiff was confused about the first name of Defendant Robert Ware.

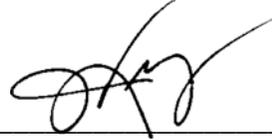
According to FED.R.CIV.P. 4(m), a Defendant must be served within 120 days of the filing of the Complaint, and **after notice to the plaintiff**, the Court “must dismiss the action without prejudice against that Defendant or order that service be made within a specified time...”

Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff shall have one last opportunity in which to

provide a present address on Defendants Richard Pritchard and Robert Ware within thirty days of the date of this Order. Failure to provide such or obtain service on Defendants Richard Pritchard and Robert Ware shall result in their dismissal from Plaintiff's Complaint.

IT IS SO ORDERED this 30<sup>th</sup> day of September, 2011.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE