

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

FREDERICK MASON,
ADC #109138

PLAINTIFF

v.

5:12CV00160-SWW-JTK

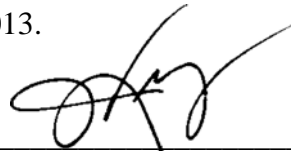
WENDY KELLY, et al.

DEFENDANTS

ORDER

Plaintiff originally filed this action on May 3, 2012 (Doc. No. 2). Defendant Cynthia Thomas (originally identified as Cynthia Thompson) was dismissed for failure to serve on October 12, 2012 (Doc. No. 38). Plaintiff later filed a Motion for Default, construed as a Motion for Sanctions (Doc. No. 49), claiming that Defendants misled him about not knowing of her identity as an employee. The Court denied Plaintiff's Motion, but directed Defendants to continue to attempt to discover Thomas's last-known address (Doc. No. 53). Defendants then submitted a last-known address under seal, and the Court directed the issuance of summons and service on Defendant on February 27, 2013 (Doc. No. 54). The Court indicated that if the summons was returned executed, Defendant Thomas would be re-instated as a party to this lawsuit. *Id.* However, summons was again returned, unexecuted, on March 13, 2013 (Doc. No. 56). Therefore, Thomas will not be reinstated as a Defendant unless Plaintiff is able to provide a different last-known address for Thomas which results in the successful service on her of summons and the complaint.

IT IS SO ORDERED this 26th day of March, 2013.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE