

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

DAMONT EWELL,  
ADC #109853

PLAINTIFF

v.

5:13CV00276-JTK

WENDY KELLY, et al.

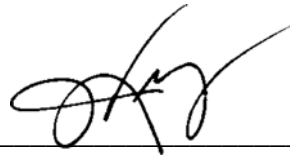
DEFENDANTS

**ORDER**

Plaintiff originally filed this action on August 23, 2013 (Doc. No. 1). As of this date, Defendant Dr. Moore has not been served, despite two attempts (Doc. Nos. 13, 30). 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 or obtain service on Defendant Dr. Moore within thirty days of the date of this Order. Failure to provide such or obtain service on Defendant Moore shall result in his/her dismissal from Plaintiff’s Complaint.

IT IS SO ORDERED this 13<sup>th</sup> day of January, 2014.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE