

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JAMES A. REEVES and DENISE Y. REEVES,)
Plaintiffs,)
v.) CIVIL ACTION NO. 5:13-CV-196 (MTT)
DEBRA K. HURST, et al.,)
Defendants.)

ORDER

The Plaintiffs filed their complaint on June 3, 2013. Pursuant to Federal Rule of Civil Procedure 4(m), the Plaintiffs are required to serve the Defendants with all appropriate papers within 120 days from the date of filing of the complaint. As of October 1, 2013, which is 120 days from the date the Plaintiffs filed their complaint, there is no evidence in the record of sufficient service on the Defendants.

As to Defendant Debra K. Hurst, the server canceled service after she could not be located at her former place of employment, and the summons was returned unexecuted. (Doc. 4). As to Defendant Pamela J. Rogers, the server left the summons with an unnamed security guard at a business address that Rogers may or may not be associated with. (Doc. 5-1). This is not sufficient service pursuant to Fed. R. Civ. P. 4(e) and 4(i). As to Defendant S. Freeman, the process server left the summons and complaint with Patricia Krogh, "Group Manager for Advisory at the IRS." (Doc. 3). Lisa Taylor, S. Freeman's supervisor, later told the server the IRS had accepted service on

behalf of S. Freeman and that no other action was required. (Doc. 8). However, this too is insufficient service pursuant to Fed. R. Civ. P. 4(e) and 4(i).

The Court has twice offered the Plaintiffs additional time to properly serve the Defendants. Most recently, the Court extended the Plaintiffs' time to serve the Defendants to December 10, 2013. That deadline has passed, and there is still no evidence the Defendants have been served with all appropriate papers pursuant to the Federal Rules of Civil Procedure. Accordingly, this case is **DISMISSED without prejudice** pursuant to Fed. R. Civ. P. 4(m).

SO ORDERED, this 12th day of December, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT