

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

RICKY J. YODER,

Plaintiff,

v.

JORDAN FOREST PRODUCTS, LLC;
JOHN RIMMER; ROBBIE FINCH;
MARCUS HART; and ROGER REED,

Defendants.

CIVIL ACTION NO.
5:21-cv-00266-TES

ORDER OF DISMISSAL

On November 2, 2021, the Court ordered Plaintiff Ricky J. Yoder to show cause why his claims against Defendants John Rimmer, Robbie Finch, Marcus Hart, and Roger Reed should not be dismissed for lack of service pursuant to Federal Rule of Civil Procedure 4(m).¹ [Doc. 8]. Plaintiff was given 21 days to respond to the Court's Show Cause Order [Doc. 7], and he was warned that the failure to fully and timely respond to it would result in the immediate dismissal of his claims against the aforementioned Defendants. [*Id.* at p. 2]. On November 18, 2021, Plaintiff filed his Response [Doc. 21], informing the Court that he had "not ascertained, despite due diligence, service

¹ Rule 4 of the Federal Rules of Civil Procedure requires a plaintiff to serve each defendant with a copy of both the summons and the complaint within the time allowed by Rule 4(m) unless a defendant waives service. *See Fed. R. Civ. P. 4(c)(1), (d).* Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve those copies upon a defendant within 90 days after the filing of the complaint.

addresses for Defendants Rimmer, Finch, Hart, and Reed.” [Doc. 9, p. 2]. Therefore, on that date, Plaintiff stated that he did not oppose the dismissal of these individually named Defendants based upon his failure to effectuate proper service. [*Id.*].

Because Plaintiff has admittedly failed to adhere to Federal Rule of Civil Procedure 4(m), his claims against Defendants John Rimmer, Robbie Finch, Marcus Hart, and Roger Reed are **DISMISSED without prejudice**. Accordingly, these individually named Defendants are **terminated** as parties to this action.

SO ORDERED, this 18th day of November, 2021.

S/ Tilman E. Self, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT