

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

**CRAIG HORNSBY and PRESTIGE
NISSAN, INC.,**

Plaintiffs,

v.

**THOMASVILLE NOTEHOLDER,
LLC, FLOWERS AUTOMOTIVE,
LLC, and DAVID FLOWERS,**

Defendants.

Civil Action No. 7:14-CV-78 (HL)

ORDER

This order memorializes the Court's rulings made during the telephone conference held on November 25, 2014.

On October 27, 2014, the Court entered an order requiring Plaintiffs to file a status report notifying the Court of the posture of the case and noting that Plaintiffs had yet to serve Defendants with a copy of their complaint. Plaintiffs submitted a letter on October 30, 2014, informing the Court of their intent to move forward with the case and to serve Defendants. The parties confirmed during the course of the telephone conference that Plaintiffs still have not served Defendants.

Under Federal Rule of Civil Procedure 4(m), if a defendant is not served within 120 days after the date the complaint is filed, the Court must dismiss the action without prejudice against that defendant or order that service be made

within a specified time. Here, Plaintiffs initiated the case on May 21, 2014. (Doc. 1). Plaintiffs thereafter filed their Amended Complaint on July 24, 2014. (Doc. 7). Plaintiffs served Defendants with neither the Complaint nor the Amended Complaint. The Court has afforded Plaintiffs ample time to take the necessary steps to serve Defendants, and Plaintiffs have failed to do so within the 120 day requirement. Accordingly, the Court dismisses this case without prejudice.

SO ORDERED this 26th day of November, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

aks