

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

TYRONE JONES, ET AL

VERSUS

CIVIL ACTION

U.S. EXPRESS, INC.

NO. 08-813-JVP-CN

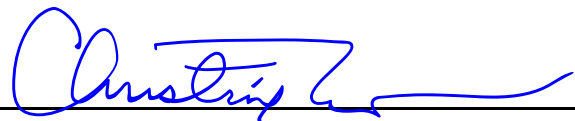
NOTICE

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the United States District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have ten (10) days after being served with the attached report to file written objections to the proposed findings of fact, conclusions of law, and recommendations set forth therein. Failure to file written recommendations within ten (10) days after being served will bar you, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court.

**ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE
WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.**

Signed in chambers in Baton Rouge, Louisiana, April 16, 2009.



MAGISTRATE JUDGE CHRISTINE NOLAND

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CIVIL ACTION

U.S. EXPRESS, INC.

NO. 08-813-JVP-CN

**MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION**

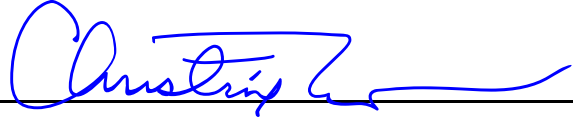
Plaintiffs filed this suit on December 15, 2008, and on February 4, 2009, the case was transferred to the undersigned for pretrial management. At this time, no summons for service on defendant had been issued. On March 9, 2009, plaintiffs were notified that failure to perfect service of the summons and complaint in accordance with Rule 4(m), Federal Rules of Civil Procedure and to file proof of service in the record would result in this suit being dismissed for failure to prosecute, in accordance with ULR, Rule 41.3M.¹

As of April 16, 2009, the summons has not been issued and subsequently, no proof of service has been filed in the record relative to the sole defendant U.S. Express, Inc.

¹ A review of the docket sheet indicates that plaintiffs' counsel was forwarded a copy of the Court's Notice of March 9, 2009, through email and that no "bounce back" that the email did not go through was ever received by the Clerk.

Therefore, it is recommended that this case be dismissed for plaintiffs' failure to prosecute and have the defendant served within 120 days of filing the suit.

Signed in chambers in Baton Rouge, Louisiana, April 16, 2009.



MAGISTRATE JUDGE CHRISTINE NOLAND