

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RALPH D. PITTLE, ET AL

CIVIL ACTION

VERSUS

NUMBER 09-620-JJB-SCR

DANIEL MCGLYNN, ET AL

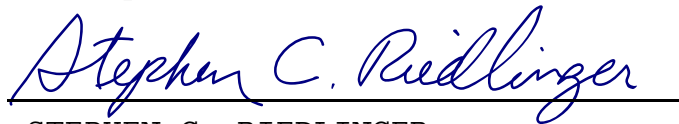
NOTICE

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 14 days from the date of service of this Notice to file written objections to the proposed findings of fact and conclusions of law set forth in the Supplemental Magistrate Judge's Report. The failure of a party to file written objections to the proposed findings, conclusions, and recommendation contained in the Supplemental Magistrate Judge's Report and Recommendation within 10 days after being served with a copy of the Report shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions of the Magistrate Judge that have been accepted by the District Court.

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

Baton Rouge, Louisiana, February 10, 2010.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

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MAGISTRATE JUDGE'S REPORT

A review of the record showed that defendants Christopher D. Glisson, Karl Koch and Benjamin Mouton have not filed an answer or otherwise made an appearance, there is no evidence of service of process in the record, the time to serve these defendants has expired, and the plaintiffs have not moved for an extension of time to serve these defendants. Failure to serve a defendant within the time allowed by Rule 4(m), Fed.R.Civ.P., or an extension of thereof, may result in dismissal of the complaint as to the unserved defendant.

Plaintiffs Ralph D. Pittle and Medical Legal Consultants of Washington, PLSC, were ordered to show cause, in writing, on February 5, 2010 why their claims against defendants Christopher D. Glisson, Karl Koch and Benjamin Mouton should not be dismissed pursuant to Rule 4(m). A written response to this order was required.

By letter dated February 9, 2010, counsel for the plaintiffs advised that the plaintiffs would not be filing a response to the

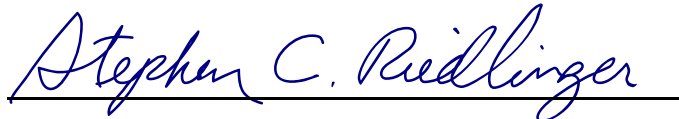
show cause order.¹

Defendants Christopher D. Glisson, Karl Koch and Benjamin Mouton have still not been served, the plaintiffs have not sought additional time to serve them, and there is no reason to extend the time to serve them.

Recommendation

It is the recommendation of the magistrate judge that the plaintiffs' claims against defendants Christopher D. Glisson, Karl Koch and Benjamin Mouton be dismissed without prejudice pursuant to Rule 4(m).

Baton Rouge, Louisiana, February 10, 2010.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

¹ Record document number 43.