

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHNNIE JONES, JR., ET AL

CIVIL ACTION

VERSUS

NUMBER 09-725-JJB-SCR

SHELTER MUTUAL INSURANCE
COMPANY, ET AL

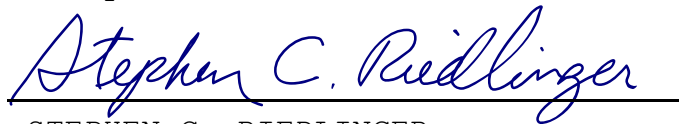
NOTICE

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, January 27, 2010.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

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MAGISTRATE JUDGE'S REPORT

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. A review of the record showed that defendants Randy Lewis, Lester Lewis, Lester "Buddy" Lewis Construction Companies and Randy Lewis Construction 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 as provided by Rule 4(m) had expired and the plaintiffs had not moved for an extension of time to serve these defendants.

Therefore, plaintiffs Johnnie Jones, Jr., and Mary Jones were ordered to show cause, in writing, on January 22, 2010 why their claims against defendant Randy Lewis, Lester Lewis, Lester "Buddy" Lewis Construction Companies and Randy Lewis Construction should not be dismissed pursuant to Rule 4(m).¹ A written response to

¹ Record document number 15.

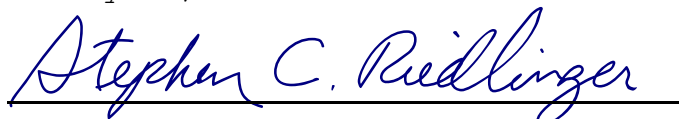
this order was required. The order also notified the plaintiffs that failure to timely file a written response to the order will be interpreted as the plaintiffs' consent to dismissal of the their claims against defendants Randy Lewis, Lester Lewis, Lester "Buddy" Lewis Construction Companies and Randy Lewis Construction.

Plaintiffs did not file any response to the show cause order. A review of the record showed that defendants Randy Lewis, Lester Lewis, Lester "Buddy" Lewis Construction Companies and Randy Lewis Construction still have not filed an answer or otherwise made an appearance, there is still no evidence of service of process in the record, and the plaintiffs have not moved for an extension of time to serve these defendants.

Recommendation

It is the recommendation of the magistrate judge the plaintiffs' claims against defendants Randy Lewis, Lester Lewis, Lester "Buddy" Lewis Construction Companies and Randy Lewis Construction be dismissed pursuant to Rule 4(m).

Baton Rouge, Louisiana, January 27, 2010.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE