

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KELVIN WELLS

VERSUS

CRAIG FUGATE, ET AL

CIVIL ACTION

NO. 09-1012-BAJ-SCR


RULING

This matter is before the Court on a motion by pro se plaintiff, Kelvin Wells, captioned as "Motion for Relief from Judgment." On November 4, 2010, plaintiff's claims against defendants, Federal Emergency Management Agency and W. Craig Fugate were dismissed pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely complete service of process.

With the exception of plaintiff's assertion that "[t]he Supreme Court has found it unconstitutional for a Plaintiff[']s lawsuit to be dismissed for lack of service," the motion merely repeats the argument already addressed by the Magistrate Judge's Report and Recommendation (doc. 13), which was approved and adopted as the opinion of the Court in its ruling of November 4, 2010 (doc. 15). Plaintiff's assertion that a lawsuit should not be dismissed for lack of service is contrary to well established law and merits no further discussion.

Accordingly, the motion for relief from judgment (doc. 17) is hereby **DENIED**.

Baton Rouge, Louisiana, November 23, 2010.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA