

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**DIETRA SMITH**

**\* CIVIL ACTION NO. 15-2396**

**VERSUS**

**\* JUDGE ROBERT G. JAMES**

**CHRIS AVERETTE, ET AL.**

**\* MAG. JUDGE KAREN L. HAYES**

**J U D G M E N T**

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

**IT IS ORDERED** that the motion to dismiss for insufficient service of process, pursuant to Federal Rule of Civil Procedure 12(b)(5) [Doc. No. 11], filed by Defendant Chris Averette (“Averette”) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff’s request for appointment of a curator is **DENIED** at this time.

**IT IS FURTHER ORDERED** that Plaintiff’s request for an extension of time to serve Averette is **GRANTED**. Plaintiff is allotted an additional 60 days to perfect service and to file the return in the record.

**MONROE, LOUISIANA**, this 16<sup>th</sup> day of August, 2016.

  
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**ROBERT G. JAMES**  
**UNITED STATES DISTRICT JUDGE**