

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

WHITTINGTON ET AL

CIVIL ACTION 5:08-CV-098

VERSUS

JUDGE S. MAURICE HICKS, JR.

HAUGHTON ET AL

MAGISTRATE JUDGE  
HORNSBY

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

Before the Court is Defendants' Motion to Dismiss (Record Document 15). Premises considered, it is ordered that the foregoing motion be and is hereby **GRANTED**. This case shall be dismissed without prejudice and shall be **CLOSED**.

Defendants claim that Plaintiffs' effort to serve them with a summons and copy of the Complaint was ineffective and present the Court with documentation suggesting that Plaintiffs sought to effect service via certified mail. Federal Rule of Civil Procedure 4 requires that a summons and a copy of the Complaint must be served personally, by domiciliary service on a person of suitable age and discretion, or upon an agent. See Fed. R. Civ. P. 4(c) & (e); La. Code Civ. Proc. Ann. art. 1231 *et seq.* Defendants' motion asserts that service was not made upon Defendants within 120 days after filing the Complaint. Plaintiffs make no representations to the contrary; nor have they attempted to show good cause why service was not properly effected. Accordingly, this Court must dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 4(m).

Thus done and signed, this the 20th day of April, 2009, in Shreveport, Louisiana.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE