

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

BENJAMIN ADAMS, ET AL

CIVIL ACTION NO. 10-cv-1607

VERSUS

JUDGE STAGG

BP AMERICA PRODUCTION CO.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Four self-represented plaintiffs filed this civil action against BP America Production Co. They allege that BP has drilled on 640 acres of land in DeSoto Parish and underpaid related royalties.

The court recently found a plausible basis for the exercise of diversity jurisdiction and advised Plaintiffs that the next step is for them to serve their complaint. Plaintiffs were advised that the procedure for making service is set forth in Federal Rule of Civil Procedure 4, and they were granted an extension through May 2, 2011 to file in the record proof of valid service, absent which their complaint may be subject to dismissal.

Plaintiffs submitted a few days later a Request for Entry of Default (Doc. 29) in which they pointed to a summons issued by the court on March 8, 2011. The Clerk may have issued the summons, but it is up to Plaintiffs to actually serve the summons and a copy of the complaint on BP through its registered agent for service or by other means permitted by Rule 4. The mere issuance of the summons by the Clerk is not equal to service and does not require BP to answer. Accordingly, the **Request for Entry of Default (Doc. 29)** is **denied**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 14th day of April, 2011.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE