

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

STEVEN DUPLECHAIN, III

CIVIL ACTION NO. 6:15-2433

VERSUS

UNASSIGNED DISTRICT JUDGE

MICHAEL W. NEUSTROM, ET AL.

MAGISTRATE JUDGE WHITEHURST

ORDER

The Motion to Dismiss For Insufficient Service and Lack of Subject Matter Jurisdiction [Doc. 74], filed by defendant Louise Segura Young, was referred to United States Magistrate Judge Carol B. Whitehurst for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, the Court concludes the Magistrate Judge's Report and Recommendation is correct¹ and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the motion to dismiss [Doc. 74] be **DENIED**.²

THUS DONE AND SIGNED in Shreveport, Louisiana, on this 26th day of October, 2017.

ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT COURT JUDGE

¹The Court notes that page 8 of the Report and Recommendation indicates that service was made on November 30, 2017. The correct date is November 30, 2016.

²The Court notes the Report "recommends that the Motion to Dismiss For Insufficient Service be DENIED at this time, with the stipulation that Plaintiff obtain a waiver of service from Defendant or re-serve Defendant within 21 days." [Id. at 9] The Report further states, "The Defendant shall maintain the right to re-urge her motion, if appropriate, after the Second Amended Complaint has been re-served or in the event service is not effected." [Id.] Thereafter, on plaintiff's motion, the deadline to serve defendant was extended to August 1, 2017. [Doc. 89] Proof of service was filed in the record on July 16, 2017. [Doc. 90] To date, Defendant has not re-urged her motion to dismiss for insufficient service of process, nor has she filed an answer asserting such a defense within the time limits set forth in the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 12(a)(1)(A) and (b). Accordingly, it appears Defendant has now been properly served. As a result, this portion of the Report appears to be moot.