

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

PHILIP HALBERT NEILSON

PLAINTIFF

V.

CAUSE NO.: 3:13CV300-SA-SAA

JAMES GREENLEE, ET AL.

DEFENDANTS

ORDER

Plaintiff originally filed this case on December 13, 2013. Summonses were issued at that time to all Defendants [2]. In July of 2014, the Clerk issued a Notice [5] that the Defendants had not been served as required by the Federal Rules of Civil Procedure. The Magistrate Judge issued an Order to Show Cause [6] and, ultimately, based on Plaintiff's response to that Show Cause Order, granted Plaintiff thirty additional days to effect service on all Defendants [8]. Instead of serving Defendants, however, Plaintiff filed an Amended Complaint [9] in September of 2014.

After another period of inactivity, the district judge previously assigned to this case dismissed the action for failure to prosecute [11]. The case was reopened and reassigned to the undersigned judge thereafter.

Plaintiff had summonses reissued by the Clerk's Office on February 9, 2015 [13]. One hundred twenty days have passed, and Plaintiff has either failed to execute those summonses or failed to notify the Court that those summonses have been executed. The Clerk's Office again issued a Notice of Incomplete Process warning Plaintiff that the Defendants had not been served as required by the Federal Rules of Civil Procedure [14].

Accordingly, pursuant to Federal Rule of Civil Procedure 4(m), the court, on its own motion, hereby dismisses this case without prejudice due to incomplete service of process by

Plaintiff.

SO ORDERED, this the 9th day of July, 2015.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE