

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOHN PRICE

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08-cv-16(DCB)(JMR)

JANET HYLAND DAIGRE; JOHN L.
HYLAND, III; LOOSA YOKENA, L.P.;
THE UNITED STATES ARMY CORPS
OF ENGINEERS; JOHN DOES 1-10

DEFENDANTS

ORDER

This cause is before the Court on defendants Janet Hyland Daigre, John L. Hyland, III and Loosa Yokena, LP's motion to dismiss (**docket entry 16**) pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Having carefully considered the motion as well as the pleadings and the record in this case, the Court finds as follows:

This cause of action was filed by the plaintiff on February 5, 2008. Service was not effectuated upon these defendants within one hundred twenty days after the complaint was filed, as required by Fed.R.Civ.P. 4(m). However, on December 22, 2008, the plaintiff was granted an extension of time, until January 30, 2009, to serve the defendants. The three movant defendants were served with process on January 22, 2009. The defendants' motion is therefore not well taken. Accordingly,

IT IS HEREBY ORDERED that defendants Janet Hyland Daigre, John L. Hyland, III and Loosa Yokena, LP's motion to dismiss (**docket**

entry 16) is DENIED.

SO ORDERED, this the 1st day of May, 2009.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE