

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

LLOYD GEORGE MAXWELL

PLAINTIFF

VS.

CIVIL ACTION NO. 5:10-cv-130-DCB-JMR

DAMON HININGER, VANCE LAUGHLIN,
UNKNOWN SLAVENS, UNKNOWN CALHOUN,
RYAN CALLAHAN, UNKNOWN MOLINA,
AND UNKNOWN MCDANIAL

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and there being no objections thereto filed by either party, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of Chief United States Magistrate Judge John M. Roper be, and the same is hereby, adopted as the finding of this Court, and that Defendants Damon Hininger, Vance Laughlin, Slavens, Calhoun, Ryan Callahan, Molina, and McDanial's Motion [51] to Dismiss is DENIED;

FURTHER ORDERED, that Plaintiff properly serve prepared Summons, Complaint and Proofs of Services on all defendants within 45 days, or no later than August 24, 2012. Plaintiff is

responsible for locating the appropriate addresses for all of the defendants, marking all mail "restricted delivery" that is going to an out-of-state defendant, and properly serving the defendants that are in-state residents pursuant to Fed. R. Civ. P. 4. Failure to properly serve the defendants will lead to dismissal of this case without prejudice pursuant to Fed. R. Civ. P. 4(m).

SO ORDERED, this the 25th day of July, 2012.

s/David Bramlette
UNITED STATES DISTRICT JUDGE