

1 HONORABLE RONALD B. LEIGHTON
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JOHN EDWARD CARTER,

11 Plaintiff,

12 v.

13 DEPARTMENT OF THE ARMY BOARD
14 FOR THE CORRECTION OF MILITARY
RECORDS,

15 Defendant.

Case No. C08-5459RBL

ORDER

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18 THIS MATTER comes on before the above-entitled Court upon plaintiff's filing of Affidavits of
19 Mailing [Dkt. #s 16-19] in response to this Court's Order directing him to provide proof of service on the
20 United States Attorney for this district [Dkt. #15]. Having considered the entirety of the records and file
21 herein, the Court finds and rules as follows:

22 Despite being informed numerous times how to properly serve an agency of the United States,
23 plaintiff has again failed to effect service. He has failed to serve the United States Attorney for this
24 district. Because more than 120 days have passed since the filing of his complaint, the Court must
25 dismiss
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1 his complaint without prejudice. Fed. R. Civ. P. 4(m). Plaintiff's complaint is hereby **DISMISSED**
2 **WITHOUT PREJUDICE.**

3 **IT IS SO ORDERED.**

4 Dated this 26th day of October, 2009.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE

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