

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

KATHERINE EVANS,

Plaintiff,

v.

Civil Action No. 2:14-00663

TRG CUSTOMER SOLUTIONS, INC. and
JASON RITCHEY,

Defendants.

MEMORANDUM OPINION & ORDER

The plaintiff, Katherine Evans, filed the complaint for this sexual discrimination case in state court on October 17, 2013. Defendant TRG Customer Solutions, Inc. ("TRG") timely removed to this court on January 8, 2014. The state court docket does not show that Jason Ritchey was served process prior to removal. Not. Removal, Ex. A. Nor does the docket in this court reflect that Jason Ritchey has been served process after removal.

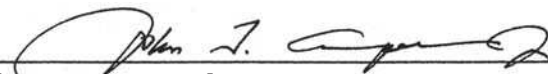
Federal Rule of Civil Procedure 4(m) requires that a party be served within 120 days after "the complaint is filed." Fed.R.Civ.P. 4(m). For removed cases, the 120-day period is calculated as beginning on the date of removal. See, e.g., Fed.R.Civ.P. 81(c)(1); Cardenas v. City of Chicago, 646 F.3d 1001, 1004 (7th Cir. 2011); Lawrence v. Hanson, 197 F. Supp. 2d 533, 538 (W.D. Va. 2002); Eccles v. National Semiconductor Corp., 10 F.

Supp. 2d. 514, 519 (D. Md. 1998); cf. Rice v. Alpha Sec., Inc., --
- Fed. App'x ----, 2014 WL 703760, at *3 (4th Cir. Feb. 25, 2014).
When the defendant has not been served within 120 days, "the court
-- on motion or on its own after notice to the plaintiff -- must
dismiss the action without prejudice against that defendant or
order that service be made within a specified time." Fed.R.Civ.P.
4(m).

As mentioned, this action was removed on January 8,
2014. May 8 is 120 days from that date. May 8 has passed, and
Ritchey has not been served. Accordingly, it is ORDERED that
Jason Ritchey be served within 30 days from the date of entry of
this order. If defendant Ritchey is not served within that time
period, this action, to the extent it asserts claims against
Ritchey, will be dismissed without prejudice.

The Clerk is directed to transmit this order to all
counsel of record and any unrepresented parties.

ENTER: May 12, 2014



John T. Copenhaver, Jr.
United States District Judge