

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

FRED SMITH

PLAINTIFF

V.

CASE NO. 4:15-CV-00521 JM/BD

**ARKANSAS BOARD OF
ELECTION COMMISSIONERS, et al.**

DEFENDANTS

ORDER

Plaintiff Fred Smith filed this case *pro se*, along with an application to proceed *in forma pauperis*. (Docket entries #1 and #2) Judge James M. Moody Jr. has referred the case to this Court for disposition of all pretrial matters. (#3) Pending is Mr. Smith's motion for the Clerk to enter a default judgment against the Defendants. (#14)

The Court ordered the United States Marshal to serve the Arkansas Board of Election Commissioners, Cross County Election Commission, Crittenden County Election Commission, Mike Beebe, and Secretary of State Mark Martin. The returned summonses show that the Marshal attempted service on the Defendants by certified mail addressed to the Arkansas Attorney General. Even though the Arkansas Attorney General's office signed for the certified mail, this is not proper service on these Defendants under Rule 4 of the Federal Rules of Civil Procedure. Accordingly, Defendants have not received proper notice of the lawsuit, and Mr. Smith's motion for default judgment must be DENIED. (#14)

The Clerk of the Court is directed to prepare new summonses for the Arkansas Board of Election Commissioners, Cross County Election Commission, Crittenden

County Election Commission, Mike Beebe, and Secretary of State Mark Martin. The United States Marshal is directed to serve a summons, complaint, and this order on each of the defendants as set forth under Rule 4 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED, this 30th day of November, 2015.


UNITED STATES MAGISTRATE JUDGE