

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

JAMES HARRELL,

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Plaintiff,

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vs.

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AA RECOVERY SOLUTIONS, INC.,

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CASE NO. 3:25-cv-59 (CDL)

Defendant.

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O R D E R

Plaintiff filed this action on April 17, 2025. Defendant failed to answer the Complaint, and an entry of default was entered on Plaintiff's claims on August 22, 2025. The Court then entered an Order granting Plaintiff's motion for leave to file an amended complaint, expressly noting that Defendant shall remain in default as to the claims upon which the Clerk's previous entry of default was made but shall be allowed to answer and defend the new claims. Plaintiff filed his amended complaint on October 1, 2025, which asserted two new causes of action against Defendant. Under Federal Rule of Civil Procedure 5(a)(2), a pleading that asserts a new claim for relief against a party who is in default for failing to appear must be served on that party under Federal Rule of Civil Procedure 4. More than 90 days have passed, and Plaintiff has not filed a proof of service showing that Defendant has been served with a copy of the amended complaint. Under Federal Rule of Civil Procedure

4(m), if a defendant is not served within 90 days of filing, the court, after notice to the plaintiff, must dismiss the action without prejudice against the defendants or order that service be made within a specified time. Accordingly, Plaintiff is ordered to serve Defendant with the amended complaint in accordance with the Federal Rules of Civil Procedure by February 4, 2026 and to file proof of that service by February 11, 2026. Failure to do so will result in the dismissal of Plaintiff's amended complaint against Defendant without prejudice.

IT IS SO ORDERED, this 14<sup>th</sup> day of January, 2026.

S/Clay D. Land

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CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA