

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

REV. MARKEL HUTCHINS,

Plaintiff,

v.

HON. NATHAN DEAL  
Governor of the State of Georgia, in  
his official capacity, et al.,

Defendants.

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CIVIL ACTION FILE  
NO. 1:12-CV-1222-TWT

ORDER

This is an action challenging the constitutionality of O.C.G.A. § 16-3-23.1, Georgia's "Stand Your Ground Law." It is before the Court on GeorgiaCarry.Org, Inc.'s Motion to Intervene [Doc. 2], GeorgiaCarry.Org, Inc.'s Motion to Dismiss [Doc. 3], and GeorgiaCarry.Org Inc's Second Motion to Dismiss [Doc. 4]. The Plaintiff has not responded to GeorgiaCarry.Org, Inc.'s Motion to Intervene. Pursuant to Local Rule 7.1, that motion is treated as unopposed, and GeorgiaCarry.Org Inc.'s Motion to Intervene [Doc. 2] is GRANTED.

In its Second Motion to Dismiss, GeorgiaCarry.Org, Inc. moves for dismissal due to the Plaintiff's failure to comply with Fed. R. Civ. P. 4(m). Although the complaint, which was filed on April 10, 2012, states that the "Plaintiff will serve a

copy of the Complaint on Attorney General [sic] pursuant to O.C.G.A. § 9-4-7,” this Court has received no indication that either Defendant Governor Nathan Deal or Defendant Attorney General Samuel S. Owens has been served. (See Compl. ¶ 62). The Plaintiff has not responded to the Second Motion to Dismiss. Because the Plaintiff has failed to effectuate service of process within 120 days of filing, the action is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 4(m) and Local Rule 41.2(B). Therefore, GeorgiaCarry.Org Inc.’s Second Motion to Dismiss [Doc. 4] is GRANTED, and GeorgiaCarry.Org, Inc.’s first Motion to Dismiss [Doc. 3] is DENIED as MOOT.

SO ORDERED, this 27 day of September, 2012.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge