

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-1854  
Summary Calendar

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STEVE ROSAS, SR.,

Plaintiff-Appellant,

versus

MAYWOOD, INC., ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
(2:93-CV-0038)

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(January 26, 1994)

Before POLITZ, Chief Judge, GARWOOD and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Steve Rosas appeals the dismissal of his *pro se* Title VII action for failure to perfect service of process. We affirm.

Rosas filed suit on February 24, 1993 alleging racial discrimination against his former employer, Maywood, Inc., and his supervisor, Dale Walker. On March 26, 1993 the defendants moved to

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\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

dismiss the complaint for failure to state a claim upon which relief could be granted,<sup>1</sup> and for insufficiency of service of process.<sup>2</sup> On April 5, 1993 the district court denied the 12(b)(6) motion but ordered Rosas to comply with the service requirements of Rule 4 of the Federal Rules of Civil Procedure. Under Rule 4(c)(2)(C)(ii) a plaintiff using the mails for service must mail to each defendant "two copies of a notice and acknowledgment conforming substantially to form 18-A and a return envelope, postage prepaid, addressed to the sender." The court directed Rosas to properly serve both defendants.

Rosas failed to comply with the court order. He did not satisfy the service of process requirements detailed in the federal Rules. Because of this failure the district court dismissed the complaint without prejudice. Rosas timely appealed.

Rosas insists that he made proper service upon both defendants. The record belies his contention. It is clear that Rosas has not complied with the service of process requirements. This appeal is without merit.

Rosas moves the court for leave to file supplemental record excerpts in excess of 55 pages and further moves the court to hold Maywood in contempt for failure to resolve this dispute. Both motions lack merit and are DENIED.

The judgment of the district court is AFFIRMED.

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<sup>1</sup>Fed.R.Civ.P. 12(b)(6).

<sup>2</sup>Fed.R.Civ.P. 12(b)(5).