

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THERESA BARNES, et al.,

Plaintiffs,

v.

SUSAN PENSONEAU,

Defendant.

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No. 4:23-cv-01529

OPINION, MEMORANDUM AND ORDER

Rule 4(m) of the Federal Rules of Civil Procedure states, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant ...” Plaintiffs filed this action on November 29, 2023. On March 6, 2024, this Court ordered that Plaintiffs show cause within fourteen (14) days as to why this action should not be dismissed for lack of timely service on Defendant Susan Pensoneau. [ECF No. 11] Plaintiffs have not responded to this Court’s order. To date, one hundred and fifty-three (153) days have passed since Plaintiffs filed the instant action.


Therefore, the Court dismisses Plaintiffs’ lawsuit due to lack of timely service pursuant to Fed. R. Civ. P. 4(m). *See Whittaker v. Owens*, No. 4:21-CV-00549 SRW, 2022 WL 1616509, at *1 (E.D. Mo. May 2, 2022).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ lawsuit is **DISMISSED** without prejudice.

An appropriate Order of Dismissal is filed herewith.

Dated this 30th day of April, 2024.


UNITED STATES DISTRICT JUDGE