

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

MEREDITH GARRARD STEVENS,)
)
Plaintiff,)
)
v.)
)
NANCY BUCKNER, in her)
personal and individual)
capacity and in her)
official capacity as)
Commissioner of the)
Alabama Department of)
Human Resources; et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:16cv456-MHT
(WO)

OPINION

Plaintiff Meredith Garrard Stevens filed the complaint in this matter on June 20, 2016, naming four individuals as defendants. While three of the defendants were served, the remaining defendant, Dynasty Simmons, was never served; the summons and complaint were returned unexecuted.

Federal Rule of Civil Procedure 4(m) 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 or order that service be made within a specified time. But, if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."

On September 26, 2016, citing Rule 4(m), the United States Magistrate Judge entered an order that Stevens show cause, on or before October 7, 2016, as to why Simmons should not be dismissed from this action. Stevens did not respond to the order. Accordingly, the court will dismiss the claims against Simmons without prejudice.

An appropriate judgment will be entered.

DONE, this the 7th day of March, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE