

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DANA SAMPLE,)	
)	
Plaintiff,)	
)	
vs.)	CIV. ACT. NO. 1:21-cv-371-TFM-MU
)	
DOLLAR GENERAL,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

On February 7, 2022, the Magistrate Judge entered a report and recommendation which recommends the Defendant’s motion to dismiss (Doc. 10) be denied and Plaintiff be given an extension of time to perfect service. *See* Doc. 16. No objections were filed by either party.

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Defendant’s Motion to Dismiss (Doc. 10) is **DENIED**.

Fed. R. Civ P. 4(m) states “[i]f 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.”

For good cause, Plaintiff is granted an extension under **April 30, 2022** to perfect service on Defendant. Plaintiff should carefully review the law on service cited within the Report and Recommendation as well as the deficiencies previously noted so that she is able to correct them

by the deadline. *See* Doc. 16 at 4-8. To the extent that she is unable to comply by the deadline, she must raise the issue with the court by motion **before** the deadline expires.

The Clerk of Court is **DIRECTED** to attach a copy of the previous Report and Recommendation (Doc. 16) to this order so Plaintiff may again review the legal citations discussed above.

DONE and ORDERED this 24th day of March, 2022.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE