

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

YVONNE MURPHY,

Plaintiff,

v.

MARYANN CROOME, et al.,

Defendants.

CIVIL ACTION NO.
5:21-cv-00144-TES

ORDER OF DISMISSAL

On August 18, 2021, the Court ordered Plaintiff Yvonne Murphy to show cause why her claims against Defendants Maryann Croome, JEC Properties LLC, and Sandersville Police Department should not be dismissed for lack of service pursuant to Federal Rule of Civil Procedure 4(m).¹ [Doc. 8]. Plaintiff was given 14 days to respond to the Court's Show Cause Order [Doc. 8], and she was warned that the failure to fully and timely respond to it would result in the immediate dismissal of her claims against the aforementioned Defendants. [*Id.* at p. 2]. More than 14 days have passed, and Plaintiff has not responded to the Show Cause Order.

¹ Rule 4 of the Federal Rules of Civil Procedure requires a plaintiff to serve each defendant with a copy of both the summons and the complaint within the time allowed by Rule 4(m) unless a defendant waives service. *See Fed. R. Civ. P. 4(c)(1), (d).* Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve those copies upon a defendant within 90 days after the filing of the complaint.

Because Plaintiff has failed to comply with the Court's instructions and orders and otherwise failed to adhere to Federal Rule of Civil Procedure 4(m), the Court **DISMISSES** her claims against Defendants Maryann Croome, JEC Properties LLC, and Sandersville Police Department. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b) and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.").

Accordingly, Defendants Maryann Croome, JEC Properties LLC, and Sandersville Police Department are hereby **terminated** as parties to this action. And, since the only other named Defendant has been terminated², the Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED, this 8th day of September, 2021.

S/ Tilman E. Self, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT

² Defendant Washington County Board of Commissioners filed a Motion to Dismiss [Doc. 5] in response to Plaintiff's Complaint [Doc. 1]. The Court granted this dismissal motion and then terminated Defendant Washington County Board of Commissioners as a party to this action on August 20, 2021. *See* [Doc. 9].