

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

THERESE VERONICA NATTY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	2:12-CV-00073-RWS
JAILER OFFICER MORGAN,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	


ORDER

This case is before the Court for consideration of the Report and Recommendation [69] of Magistrate Judge J. Clay Fuller. In the Report and Recommendation, Judge Fuller recommends that the case be dismissed without prejudice based upon Plaintiff’s failure to properly serve Defendants in this action. Subsequent to issuance of the Report and Recommendation, Plaintiff filed a Motion to Stay All Orders and Judgments [72] and Notice of Appeal [73]. In her Motion, Plaintiff requests that the Court stay any further action until she completes her appeal. Finally, Plaintiff filed Returns of Service [77] on the Defendants indicating that she had mailed copies of the Complaint to each of the Defendants.

After reviewing the Report and Recommendation [69], it is received with approval and adopted as the Opinion and Order of this Court. The Court **DENIES** Plaintiff's Motion [72] requesting a stay based upon her appeal. The appeal is from a Report and Recommendation which is not a final order subject to appeal. An attempt by Plaintiff to file an interlocutory appeal of the Report and Recommendation does not cause this Court to lose jurisdiction of the case. Holloman v. McDonald, Case No. 5:05CV22-RH/WCS, 2005 WL 941137, at *3 (N.D. Fla. March 21, 2005). As noted in the Report and Recommendation (R&R at 3), simply mailing the Complaint to Defendants does not satisfy the requirements of service of process. Therefore, the Returns of Service filed by Plaintiff do not reflect adequate service.

Based on the foregoing, Plaintiff's Motion for Reconsideration [64], Emergency Motion for the United States Marshals Service to serve her Complaint [68], and Motion to Stay All Orders and Judgments [72] are **DENIED**. This action is hereby **DISMISSED, WITHOUT PREJUDICE**.

SO ORDERED, this 3rd day of September, 2014.



RICHARD W. STORY
United States District Judge