

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
FRANKFORT

SAMUEL PLANGE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Civil Action No. 3:20-45-KKC
	)	
v.	)	
	)	
UNITED STATES CITIZENSHIP AND	)	<b>MEMORANDUM AND ORDER</b>
IMMIGRATION SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

\*\*\* \*\*

This matter is before the Court on its own motion. The Court ordered Plaintiffs Samuel Plange and Maame Araba West to Show Cause within 14 days why this matter should not be dismissed for failing to comply with the Federal Rules of Civil Procedure’s rule regarding service of process. (DE 8). Pursuant to Rule 4:

**[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.**

FED. R. CIV. P. 4(m) (emphasis added).

In the June 3, 2021 Show Cause Order, the parties were warned that failure to respond to the order could lead to dismissal. (DE 8) *See Choate v. Emerton*, No. 2:16-cv-37, 2018 WL 3656505, at \*2 (M.D. Tenn. Aug. 2, 2018), *report and recommendation adopted*, 2018 WL 4076955 (M.D. Tenn. Aug. 27, 2018). Since its filing, the Court has received no response. The record does, however, reflect that plaintiffs have since obtained counsel (*see* DE 9, Notice of Appearance of Wael Ahmad). Yet, since entry of appearance, counsel has neither shown cause on his clients’ behalf nor sought good cause to extend time for service.

Given the pendency of this case and the lack of prosecution since the filing of this case on June 15, 2020, dismissal of the matter is warranted pursuant to the Court's inherent "authority to dismiss [an action] *sua sponte* ... for failure to prosecute[.]" *Carpenter v. City of Flint*, 723 F.3d 700, 704 (6th Cir. 2013) (emphasis added).

In view the Court's preference for disposing a case on the merits, the Court finds that dismissal without prejudice is the appropriate disposition. *See Mulbah v. Detroit Bd. of Educ.*, 261 F.3d 586, 591 (6th Cir. 2011). Accordingly, the Court hereby ORDERS that all claims against the Defendants are DISMISSED without prejudice. A corresponding judgment shall follow.

Dated June 25, 2021



*Karen K. Caldwell*  
KAREN K. CALDWELL  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF KENTUCKY