

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LAURA GOODEN

CIVIL ACTION

VERSUS

NUMBER 10-299-BAJ-SCR

REGIONS BANK, ET AL

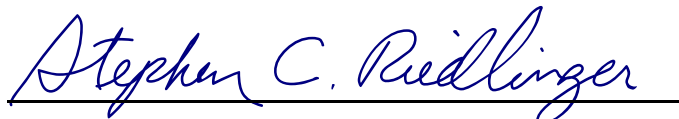
NOTICE

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the United States District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have 14 days from the date of service of this Notice to file written objections to the proposed findings of fact and conclusions of law set forth in the Supplemental Magistrate Judge's Report. The failure of a party to file written objections to the proposed findings, conclusions, and recommendation contained in the Supplemental Magistrate Judge's Report and Recommendation within 10 days after being served with a copy of the Report shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions of the Magistrate Judge that have been accepted by the District Court.

ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.

Baton Rouge, Louisiana, November 18, 2010.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

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MAGISTRATE JUDGE'S REPORT

This case is before the court for the plaintiff to show cause why her claims against defendant Brandy Ashley should not be dismissed pursuant to Rule 4(m), Fed.R.Civ.P., for failure to serve the defendant. Record document number [10](#). Plaintiff did not file a response.

A review of the record showed that defendant Ashley has not filed an answer or otherwise made an appearance, there is no evidence of service of process in the record, at the scheduling conference counsel for the plaintiff advised that he has not been able to serve the defendant,¹ and the plaintiff has not moved for an extension of time to serve the defendant. Failure to serve a defendant within the time allowed by Rule 4(m), or an extension of thereof, may result in dismissal of the complaint.

Therefore, the plaintiff was ordered to show cause, in writing, on October 29, 2010 why her claims against defendant Ashley should not be dismissed pursuant to Rule 4(m). Plaintiff did not file a response. Defendant Ashley has still not made an

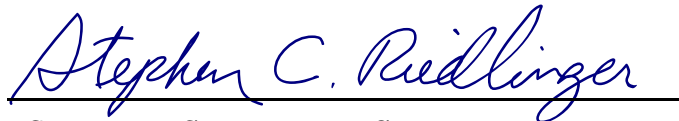
¹ Record document number [9](#).

appearance, there is still no evidence in the record that she has been served with a summons and the complaint, and the plaintiff has still not moved for an extension of time to serve the defendant. In these circumstances, dismissal of the plaintiff's claims against defendant Ashley is warranted.

RECOMMENDATION

It is the recommendation of the magistrate judge that the plaintiff's claims against defendant Brandy Ashley be dismissed pursuant to Rule 4(m).

Baton Rouge, Louisiana, November 18, 2010.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE