

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

TANISHA WHITE

CASE NO. 19-cv-1410

-vs-

JUDGE DRELL

CITY OF WINNFIELD ET AL

MAGISTRATE JUDGE PEREZ-MONTES

RULING

Before the court is an unopposed motion to dismiss the claims against Officer Justin Curry (Doc. 53). As explained within the motion, Plaintiff Tanisha White has not responded to the show cause order issued by this court on July 8, 2021 ordering White to explain why service of the summons and complaint have not been made on Curry pursuant to Fed.R.Civ.P. 4(m).

Local Rule 41.3 provides in pertinent part that a civil action may be dismissed for failure to effect service in a timely manner if the plaintiff is notified of the deficiency and allowed 14 days within which to provide evidence of good cause for the failure to act. Despite being afforded two opportunities to act, White has failed to do so. She will not be afforded a third chance to remedy this matter.

While failure to comply with Rule 4(m) generally calls for dismissal of a party without prejudice, Curry asks this court to consider a dismissal with prejudice pursuant to Fed.R.Civ.P.

41(b). Rule 41(b) provides:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claims against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule – except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 – operates as an adjudication upon the merits.

The court does not take Curry's request for dismissal on the merits lightly. However, in this matter White has had nearly two years and several chances to serve Curry. She has failed to respond to a show cause order and has failed to respond to the instant motion despite pursuing her other claims in the matter. Accordingly, we find that all of Whites claims against Curry should be dismissed with prejudice.

The court will issue a judgment in conformity with these findings.

THUS DONE AND SIGNED at Alexandria, Louisiana this 16th day of November
2021.

A handwritten signature in black ink, appearing to read "Dee D. Drell", is written over a horizontal line. The signature is stylized and somewhat cursive.

DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT