

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

SHARON RENAE FULLER

*** CIVIL ACTION NO. 17-1009**

VERSUS

*** JUDGE ELIZABETH E. FOOTE**

**NANCY A. BERRYHILL, ACTING
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION**

*** MAG. JUDGE KAREN L. HAYES**

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,¹

IT IS ORDERED that the instant complaint is hereby DISMISSED, without prejudice.

Fed.R.Civ.P. 4(m); LR 41.3W.

THUS DONE AND SIGNED in chambers, this 4th day of April,

2018, Shreveport, Louisiana.

ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE

¹The Report and Recommendation notes that the January 4, 2018 notice to Plaintiff indicated the court was considering dismissing her case because she failed to perfect service within 120 days of filing suit. Record Document 7, p. 1. The notice actually states that the court is considering dismissal for failure to perfect service within 90 days of filing suit. Record Document 6, p. 1. Federal Rule of Civil Procedure 4(m) states, in part, "If 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." Quoting Rule 4, the Report and Recommendation again refers to a 120 day period. Regardless, at the time of the notice, more than 120 days had passed since Plaintiff filed this suit. These discrepancies are inconsequential and are noted only for accuracy.