

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ELIZABETH FRIERSON**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:17CV93-RP**

**HEARTLAND EXPRESS, as the Parent  
Company for Gordon Trucking, and  
GORDON TRUCKING, LLC**

**DEFENDANTS**

**FINAL JUDGMENT**

Plaintiff Elizabeth Frierson filed suit in the Circuit Court of Marshall County, Mississippi on April 12, 2017. Docket 2. On May 10, 2017, defendant Heartland Express filed a Notice of Removal in the United States District Court for the Northern District of Mississippi, Oxford Division. Docket 1. However, since it initiated litigation, plaintiff has not served defendant Gordon Trucking, LLC despite the Notice of Incomplete Process filed by the Clerk of Court on August 10, 2017, notifying plaintiff that no summons had been served on Gordon Trucking, LLC and despite the Order to Show Cause entered by the undersigned directing plaintiff to show cause why this matter should not be dismissed against Gordon Trucking, LLC by September 6, 2017. Docket 14, 16. Federal Rule of Civil Procedure 4(m) dictates “[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.”

Plaintiff having failed to serve process on Gordon Trucking, LLC as required by the rules or to respond to the court’s Order to Show Cause, plaintiff’s claims against Gordon Trucking, LLC are **DISMISSED** without prejudice.

This, the 11<sup>th</sup> day of September, 2017.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE