

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOEL B. ATTIA**

**PLAINTIFF**

v.

**CAUSE NO.1:16CV297-LG-RHW**

**FRANK G. MARTIN, ET AL.**

**DEFENDANTS**

**ORDER OF DISMISSAL**

THIS CAUSE comes before the Court for consideration of dismissal. The Magistrate Judge entered an Order to Show Cause [7], requiring the *pro se* plaintiff to show why this case should not be dismissed for failure to effect timely service of process. The Magistrate Judge noted that summonses were issued for both defendants, but as of almost four months after the Complaint was filed the summonses had not been returned as executed. Plaintiff did not respond to the show cause Order by the January 3, 2017, deadline.

Unrepresented *pro se* parties, just like represented parties, are held accountable for complying with the Federal Rules of Civil Procedure and Local Rules of Court, along with Court orders. (*See, e.g.*, Fed. R. Civ. P. 41(b); *Price v. McGlathery*, 792 F.2d 472, 474 (5th Cir. 1986) (affirming dismissal of plaintiff's action for failure to prosecute after plaintiff's counsel failed to obey court orders); *Beard v. Experian Info. Sols. Inc.*, 214 F. App'x. 459, 462 (5th Cir. 1981) (affirming *sua sponte* dismissal of a *pro se* plaintiff's action for failure to prosecute)).

Rule 4 states:

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 the 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. Proc. 4(m) (emphasis added).

The Court notified Plaintiff that his service on the defendants was deficient under Rule 4(m). Plaintiff neither explained the deficiency nor made an effort to correct it. As Plaintiff has failed to prosecute this case, it will be dismissed without prejudice.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Complaint is **DISMISSED** without prejudice. A separate Judgment will be entered as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 4<sup>th</sup> day of January, 2017.

sl/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE