

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

QUINCY LYNN JENKINS,)
)
 Plaintiff,)
)
 v.)
)
 NORTH WESTERN HUMAN SERVICES,)
)
 Defendant.)
)
)

Civil Action No. 17-213
Judge Cathy Bissoon

ORDER DISMISSING CASE

Plaintiff initiated this action by filing a Motion for Leave to Proceed in *Forma Pauperis* on February 15, 2017 (Doc. 1). The following day, the Court granted Plaintiff’s Motion and the Clerk of Courts filed Plaintiff’s Complaint (Doc. 3). On November 11, 2017, the Court Ordered Plaintiff to show cause why Defendant had not been served with the Complaint and Summons within ninety (90) days, as required by Federal Rule of Civil Procedure 4(m). (Doc. 4.) The Court set a deadline of December 5, 2017 for Plaintiff’s response. (Id.) Plaintiff filed a Response on December 7, 2017 (Doc. 5), which stated that Plaintiff “misunderstood the process after filing [her] initial complaint” and asked the Court for leniency. Accordingly, on the following day, the Court Ordered Plaintiff to provide proper instructions for Service of Process by U.S. Marshal and to provide a completed notice and waiver of summons for Defendant by December 29, 2017. (Doc. 6.) In addition to mailing Plaintiff of copy of that Order, the Court mailed two blank forms for Service of Process by U.S. Marshall (Form USM-285) and two blank waiver of summons forms. (See Doc. 6.)

Over a month has passed since the deadline, and Plaintiff has not provided instructions for Marshal service, has not served Defendant, and has not taken any other action in this case. In fact, the only action that Plaintiff has taken in this case since her Complaint was filed on February 16, 2017 has been her brief Response to the Court's Order to Show Cause.

In light of the foregoing, dismissal is warranted under Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863 (3d Cir. 1984). Specifically, the Court relies on the Poulis factors regarding Plaintiff's personal responsibility; history of dilatoriness/unresponsiveness; and the lack of effective, alternative sanctions. Id. at 868. Simply put, Plaintiff's repeated failure to follow the procedures necessary to prosecute her case, her failure to respond in a timely fashion to Court orders, and her seeming disinterest in prosecuting this case, leave no meaningful alternative to a dismissal.

For all of these reasons, this case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

February 12, 2018

s/ Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

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