

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

TAHANY SHIHADDEH,

Plaintiff,

v.

Case No: 8:23-cv-1326-CEH-SPF

I MICHELIN LLC and IYAMILLE
MICHELIN,

Defendants.

ORDER

This cause comes before the Court on review of the file. The Complaint in this action was filed on June 13, 2023. Doc. 1. Plaintiff properly served Defendant I Michelin LLC and later moved for default judgment. Docs. 6, 11. However, Plaintiff appears not to have properly served Defendant Iyamille Michelin, sued individually, within the 90 days allowed by Federal Rule of Civil Procedure 4(m) or as further extended by the Court.

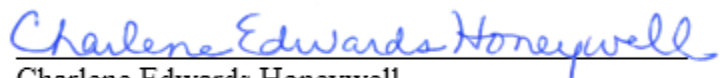
Therefore, on June 4, 2024, the Court ordered Plaintiff to show cause within fourteen days by a written response as to why the Complaint as brought against Iyamille Michelin should not be dismissed for failure to comply with Fed. R. Civ. P. 4(m). Doc. 25. The order noted that failure to respond would result in dismissal of this action as to Iyamille Michelin, without prejudice, without further notice. *Id.* As Plaintiff has failed to respond, the complaint is due to be dismissed as against Iyamille Michelin and the case is due to be closed.

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f 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 claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the plaintiff's failure to prosecute her case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337. The Court directed Plaintiff to file a written response indicating why the case should not be dismissed for failure to serve a defendant within fourteen days. Plaintiff has failed to comply with the Court's order or seek an extension of time.

Accordingly, it is **ORDERED**:

1. This action is **DISMISSED** as to Iyamille Michelin, without prejudice.
2. The Clerk is directed to terminate all pending motions and deadlines and to **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida on September 9, 2024.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties