

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA**

Darrell Foxx v. Michael Douglas, et al.

Foxx · No. 1:23CV205 · Decided February 19, 2026

OPINION

FOXX

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF NORTH CAROLINA

DARRELL FOXX,)

) Plaintiff,)) Vv.) 1:23CV205) MICHAEL DOUGLAS, et al,)) Defendants.)))

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Plaintiff Darrell Foxx filed this case in 2023, but never served any of the Defendants. The Court sent Plaintiff a letter recently, notifying him of his failure to make service as required by Federal Rule of Civil Procedure 4(m), and giving him 14 days to respond. ‘That letter specifically warned Plaintiff that failure to respond may result in dismissal of the action. Plaintiff did not file any response and did not give any notification that service had been made. Federal Rule of Civil Procedure 4(m) provides that: 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 Darrell Foxx is proceeding pro se. He also appears to be attempting to assert claims on behalf of Dunbar Development Co., LLC and Paul L. Dunbar Group, Inc. However, corporations and limited liability companies may not appear pro se in federal court. See *Rowland v. California Men’s Colony*, 506 U.S. 194, 201- 02 (1993) (“It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.”); *Honour Tech. Grp., Inc. v. United States*, 326 F. App’x 141 (4th Cir. 2009) (noting that “a corporation may not proceed pro se in federal court”); *U.S. Commodity Futures Trading Comm’n v. OTC Invs. LLC*, No. 1:15-cv-00081, 2015 WL 3397066, at *1 (W.D.N.C. May 26, 2015) (“It is well-established that corporate entities and other non-human entities, such as limited liability companies, can appear in federal court only through counsel.”). Here, Plaintiff has failed to serve any of the Defendants within the time allowed under Rule 4(m), even after notice from the Court that the case would be dismissed. Therefore, the Court will recommend that the case be dismissed without prejudice under Rule 4(m) for failure to setve. IT IS THEREFORE RECOMMENDED that this case be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) for failure to setve. This, the 19" day of February, 2026. Lat sete nited States Magistrate Judge

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