

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Andre Tharpe and Katelynn Parrish v. United States of America
d/b/a United States Postal Service, John Doe I and John Doe II

Tharpe · No. 1:26-cv-01063-STA-jay · Decided June 23, 2026

SUMMARY

The United States District Court for the Western District of Tennessee orders Plaintiffs Andre Tharpe and Katelynn Parrish to show cause why their Federal Tort Claims Act action should not be dismissed without prejudice for failure to serve Defendants within the 90-day period required by Federal Rule of Civil Procedure 4(m). The response is due by June 30, 2026, and failure to respond will be deemed grounds for dismissal.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	S. Thomas Anderson
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	June 23, 2026
DOCKET	1:26-cv-01063-STA-jay
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause after determining that plaintiffs had not filed proof that defendants were served within the time allowed by Federal Rule of Civil Procedure 4(m).
PRECEDENTIAL VALUE	unknown

TOPICS

- service of process
- civil procedure
- personal injury

PRACTICE AREAS

- civil procedure
- torts
- Federal Tort Claims Act

QUESTIONS PRESENTED

1. Whether plaintiffs failed to demonstrate that defendants were served with the summons and complaint within 90 days after the complaint was filed.
2. Whether plaintiffs should be required to show cause why the action should not be dismissed without prejudice under Federal Rule of Civil Procedure 4(m).

HOLDINGS

1. Federal Rule of Civil Procedure 4(c)(1) requires a plaintiff to serve each defendant with a summons and a copy of the complaint within 90 days after filing the complaint.
2. When a defendant is not served within 90 days after the complaint is filed, the court must dismiss the action without prejudice or order service within a specified time, subject to the plaintiff's showing of good cause for the failure to serve.
3. Unless service is waived, proof of service must be filed with the court.

KEY QUOTATIONS

“Rule 4(m) provides that “[i]f 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.””

“Establishing good cause is the responsibility of the [plaintiff] and necessitates a demonstration of why service was not made within the time constraints.”

“Therefore, Plaintiffs are ordered to show cause as to why this case should not be dismissed for failure to effect service pursuant to Rule 4(m).”

FACTUAL BACKGROUND

Andre Tharpe and Katelynn Parrish filed an action for personal injuries under the Federal Tort Claims Act against the United States, doing business as the United States Postal Service, and two John Doe defendants. Although summonses issued on the filing date, the record contained no proof that plaintiffs served defendants with the summons and complaint within 90 days.

PROCEDURAL HISTORY

Plaintiffs filed this Federal Tort Claims Act personal-injury action on March 24, 2026, and summonses issued the same day. The court observed that no other docket activity had occurred and ordered plaintiffs to explain by June 30, 2026, why the action should not be dismissed without prejudice for failure to effect service.

DISPOSITION

other

CASES CITED

- Jackson v. Herrington, 393 F. App'x 348, 353 (6th Cir. 2010)
- Garner v. City of Memphis, 576 F. App'x 460, 463 (6th Cir. 2014)
- Nafziger v. McDermott Intern., Inc., 467 F.3d 514, 521 (6th Cir. 2006)
- Friedman v. Estate of Presser, 929 F.2d 1151, 1157 (6th Cir. 1991)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION ANDRE THARPE and KATELYNN) PARRISH,)) Plaintiffs,) v.) Case No. 1:26-cv-01063-STA-jay) UNITED STATES OF AMERICA d/b/a) UNITED STATES POSTAL SERVICE,) JOHN DOE I and JOHN DOE II,)) Defendants.) ORDER TO SHOW CAUSE This is an action for personal injuries under the Federal Tort Claims Act.

Plaintiffs Andre Tharpe and Katelynn Parrish filed suit on March 24, 2026, and caused summons to issue the same day. No other docket activity has occurred in the case since that time. Federal Rule of Civil Procedure 4(c)(1) requires a plaintiff to serve summons with a copy of a complaint on each defendant within 90 days of filing the complaint. Fed. R. Civ.

P. 4(c)(1); Jackson v. Herrington, 393 F. App'x 348, 353 (6th Cir. 2010) ("Rule 4 requires plaintiffs to serve each defendant with a summons and a copy of the complaint."). Plaintiff therefore had 90 days from March 24, 2026, in which to serve Defendant with process, that is, no later than June 22, 2026.

To date, Plaintiffs have not filed proof to show that they have ever served Defendants with a summons and the Complaint within that deadline. Fed. R. Civ. P. 4(l)(1) ("Unless service is waived, proof of service must be made to the court."). Rule 4(m) provides that "[i]f 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." Fed.

R. Civ. P. 4(m). Dismissal is mandatory unless the plaintiff shows good cause for the failure to serve; if he does, then the Court must extend the time for service. Id. "Establishing good cause is the responsibility of the [plaintiff] and necessitates a demonstration of why service was not made within the time constraints." Garner v. City of Memphis, 576 F. App'x 460, 463 (6th Cir.

2014) (quoting Nafziger v. McDermott Intern., Inc., 467 F.3d 514, 521 (6th Cir. 2006)). "Inadvertent failure or half-hearted efforts to serve" do not satisfy the good-cause standard. Id. (quoting Friedman v. Estate of Presser, 929 F.2d 1151, 1157 (6th Cir. 1991)).

Therefore, Plaintiffs are ordered to show cause as to why this case should not be dismissed for failure to effect service pursuant to Rule 4(m). Plaintiffs' show cause response is due on or before

June 30, 2026. Failure to respond by that date will be deemed good grounds to dismiss Plaintiffs' claims against Defendants without prejudice pursuant to Rule 4(m).

IT IS SO ORDERED. s/ S. Thomas Anderson S. THOMAS ANDERSON UNITED STATES
DISTRICT JUDGE Date: June 23, 2026

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