

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA

Terrence Dante Kelly v. Consumer Portfolio Services, Inc. d/b/a
NewRoadsAutoLoans; Backroads Mafia Towing; and Recovery
Division, LLC

Kelly · No. 4:25-cv-123 · Decided February 10, 2026

SUMMARY

The United States District Court for the Southern District of Georgia administratively closes the action after the parties reported that all claims had been settled. The court gives the parties sixty days to file either a dismissal judgment incorporating the settlement terms or a joint stipulation of dismissal, warning that failure to do so may result in sua sponte dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia
WRITING FOR THE COURT	R. Stan Baker
JURISDICTION	United States District Court for the Southern District of Georgia
DECIDED	February 10, 2026
DOCKET	4:25-cv-123
DISPOSITION	other
PROCEDURAL POSTURE	After the parties advised the court that the action had settled, they requested sixty days to complete settlement performance and file a dismissal. The court administratively closed the action and provided procedures for dismissal or reopening.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Terrence Dante Kelly v. Consumer Portfolio Services, Inc. d/b/a NewRoadsAutoLoans, Backroads Mafia Towing, Recovery Division, LLC

TOPICS

- civil procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should administratively close the settled action while allowing the parties sixty days to complete settlement performance and file a dismissal.
2. Whether the court could permit the parties to submit a dismissal judgment incorporating the settlement terms so that the court could retain jurisdiction to enforce the agreement, or alternatively file a joint stipulation of dismissal.

HOLDINGS

1. When the parties report that an action has settled and request time to complete settlement performance and file dismissal papers, the court may administratively close the action pending those filings.
2. The parties may present a dismissal judgment under Federal Rule of Civil Procedure 41(a)(2) incorporating the settlement terms so that the court may retain jurisdiction to enforce the agreement; otherwise, they may file a joint stipulation of dismissal.

KEY QUOTATIONS

“If the parties fail to file a dismissal (or, if necessary, move to reopen the case) within sixty (60) days, the Court will sua sponte dismiss the case with prejudice.”

FACTUAL BACKGROUND

The parties reached a settlement resolving all of Plaintiff's claims against all Defendants. They requested sixty days to complete performance of the settlement agreement and file a stipulation of dismissal. No merits issues were decided.

PROCEDURAL HISTORY

Plaintiff, through counsel, advised the court that all claims against all defendants had been settled. The parties requested sixty days to perform the settlement terms and file a stipulation of dismissal. The court administratively closed the action, permitted the parties to submit a dismissal judgment under Federal Rule of Civil Procedure 41(a)(2) or a joint stipulation of dismissal, and stated that it would dismiss the case with prejudice sua sponte if the required filing was not made within sixty days.

DISPOSITION

other

CASES CITED

- Heape v. Flanagan, No. 6:07-CV-12, 2008 WL 2439736 (S.D. Ga. June 9, 2008)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 381-82 (1994)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA SAVANNAH DIVISION TERRENCE DANTE KELLY, Plaintiff, CIVIL ACTION NO.: 4:25-cv-123 v. CONSUMER PORTFOLIO SERVICES, INC. d/b/a NEWROADSAUTOLOANS; BACKROADS MAFIA TOWING; and RECOVERY DIVISION, LLC, Defendants. O RDE R On February 6, 2026, Plaintiff, through his counsel, advised the Court that this matter has been settled as to all of Plaintiff's claims against all Defendants in this action." (See doc.

57.) The parties request sixty days to complete the performance of the terms of the settlement agreement and file a stipulation of dismissal. (Id. at p. 1.) Accordingly, the Court DIRECTS the Clerk of Court to ADMINISTRATIVELY CLOSE this action. See *Heape v. Flanagan*, No. 6:07-CV-12, 2008 WL 2439736 (S.D. Ga. June 9, 2008). Within sixty (60) days of the date this Order is entered, the parties—if they wish—may present a dismissal judgment, pursuant to Federal Rule of Civil Procedure 41(a)(2), incorporating the terms of their settlement, so the Court may retain jurisdiction to enforce the agreement.

In the alternative, the parties may simply file a joint stipulation of dismissal. If the parties fail to file a dismissal (or, if necessary, move to reopen the case) within sixty (60) days, the Court will sua sponte dismiss the case with prejudice. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381-82 (1994). SO ORDERED, this 10th day of February, 2026.

R. STAN BAKER, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA