

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, EASTERN DIVISION

Heather Rozar Abney et al. v. Forrest County Child Protective
Services et al.

Abney · No. 2:25-CV-165-KHJ-MTP · Decided May 22, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted a magistrate judge’s Report and Recommendation and dismissed without prejudice defendants who had not been served. The court found that the plaintiffs failed to show good cause for another extension of the service deadline and had not objected to the recommendation.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Eastern Division
JURISDICTION	United States District Court for the Southern District of Mississippi, Eastern Division
DECIDED	May 22, 2026
DOCKET	2:25-CV-165-KHJ-MTP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal without prejudice of defendants who had not been served.
STANDARD OF REVIEW	When no party objects to a magistrate judge's report and recommendation, the district court reviews it under the clearly erroneous, abuse-of-discretion, and contrary-to-law standards rather than de novo review.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Heather Rozar Abney, Frank Abney v. Forrest County Child Protective Services, Kristie Leggett, State of Mississippi, Jameshia Lacy, Kelteshia Russell, Shannon Rogers, Missy Roberts, Kirby Miller Downs, Zelda Fairley, Jeremy Pegues, Amy Snyder, Christopher Rand Jones, Sharene Conerly, Sandra Clayton, Andrea Smith, Kenya Gatlin,

TOPICS

service of process

civil procedure

PRACTICE AREAS

civil procedure

service of process

federal courts

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when no party filed objections.
2. Whether defendants who were not served by the court-ordered deadline should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m).

HOLDINGS

1. When no party objects to a magistrate judge's report and recommendation, the district court need not conduct de novo review and instead applies the clearly erroneous, abuse-of-discretion, and contrary-to-law standards.
2. Defendants who were not served by the court-ordered deadline were properly dismissed without prejudice where the plaintiffs did not show good cause for another extension.

KEY QUOTATIONS

"Finding the [16] Report neither clearly erroneous, an abuse of discretion, nor contrary to law, the Court ADOPTS the [16] Report and DISMISSES these unserved defendants WITHOUT PREJUDICE"

FACTUAL BACKGROUND

The Abneys were required to serve the defendants by February 10, 2026. After receiving extensions, they served only Forrest County Child Protective Services and Kristie Leggett by the April 13, 2026 deadline. The record showed no service on the remaining defendants, none of whom appeared or filed a responsive pleading, and the plaintiffs did not establish good cause for another extension.

PROCEDURAL HISTORY

Plaintiffs filed the action on November 12, 2025, and amended the complaint on the initial service deadline to add defendants and seek additional time. The court granted extensions, ultimately setting April 13, 2026, as the service deadline and warning that unserved defendants would be dismissed without prejudice. Plaintiffs served Forrest County Child Protective Services and Kristie Leggett but did not serve the remaining defendants, showed no good cause for another extension, and filed no objections to the magistrate judge's report and recommendation. The district court adopted the report and dismissed the unserved defendants without prejudice.

DISPOSITION

dismissed

CASES CITED

- 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF MISSISSIPPI EASTERN DIVISION HEATHER ROZAR ABNEY, et al. PLAINTIFFS V. CIVIL ACTION NO. 2:25-CV-165-KHJ-MTP FORREST COUNTY CHILD DEFENDANTS PROTECTIVE SERVICES, et al. ORDER Before the Court is Magistrate Judge Michael T. Parker's [16] Report and Recommendation.

For the reasons below, the Court adopts the [16] Report. Plaintiffs Heather Rozar Abney and Frank Abney ("Abneys") filed this action on November 12, 2025, and were required to serve defendants by February 10, 2026. Compl.

[1]; Fed. R. Civ. P. 4(m). Instead, on that date, the Abneys filed an [2] Amended Complaint adding new defendants and moved for additional time to serve. [2] Am. Compl.; Mot. [3]. The Court granted that request, giving the Abneys until March 12, 2026 to serve process. 02/11/2026 Text Only Order. Then the Abneys moved for another 60-day extension. Mot.

[8]. This time, the Court granted only 30 days, extending the deadline to April 13, 2026. Order [9]. The [9] Order also warned the Abneys that any unserved Defendant would be dismissed without prejudice if they did not meet the deadline. at 2.

As the [16] Report explains, the Abneys served Defendants Forrest County Child Protective Services and Kristie Leggett. R. & R. [16] at 2. But the record reflects no service on any other defendant, and no other defendant has appeared or filed a responsive pleading.

The Abneys have not shown good cause for another extension. For these reasons, the [16] Report recommends dismissing the unserved defendants without prejudice. When no party objects to a magistrate judge's report, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). Instead, the Court applies the clearly erroneous, abuse-of-discretion, and contrary-to-law standard of review., 864 F.2d 1219, 1221 (5th Cir.

1989). The [16] Report notified the parties that failure to file written objections within 14 days would bar further appeal under 28 U.S.C. § 636. [16] at 3. No party objected to the [16] Report, and the time to do so has passed. Finding the [16] Report neither clearly erroneous, an abuse of discretion, nor contrary to law, the Court ADOPTS the [16] Report and DISMISSES these unserved defendants WITHOUT PREJUDICE: State of Mississippi, Jameshia Lacy, Kelteshia

Russell, Shannon Rogers, Missy Roberts, Kirby Miller Downs, Zelda Fairley, Jeremy Pegues, Amy Snyder, Christopher Rand Jones, Sharene Conerly, Sandra Clayton, Andrea Smith, Kenya Gatlin, Alison Harrison, Porsche Williams, Natasha Miller, Nicole Nobles, Latoya Smith, Avery Holder, and Mark Williamson.

In doing so, the Court has considered all arguments. Those arguments not addressed would not have altered this outcome. SO ORDERED, this 22nd day of May, 2026. s/ UNITED STATES DISTRICT JUDGE