

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.

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