

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Latanua Rudd v. Judge Annie T. Christoff, Wendy R. Oliver, Clerk of
US District Court, Tennessee Bar Association, and Venita Griffin

Rudd · No. 2:24-cv-02504-TLP-cgc · Decided May 6, 2026

SUMMARY

The United States District Court for the Western District of Tennessee adopted a magistrate judge’s Report and Recommendation and dismissed Latanua Rudd’s case without prejudice for failure to prosecute. The dismissal followed Plaintiff’s failure to properly serve the defendants and failure to respond to an order to show cause.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	May 6, 2026
DOCKET	2:24-cv-02504-TLP-cgc
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal without prejudice for failure to prosecute after Plaintiff failed to comply with a show-cause order concerning deficient service of process and failed to object to the report and recommendation.
STANDARD OF REVIEW	Clear-error review of an unobjected-to report and recommendation under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b) (1).
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam and no precedential-status determination appears in the opinion.
PARTIES	Latanua Rudd v. Judge Annie T. Christoff, Wendy R. Oliver, Clerk of US District Court, Tennessee Bar Association, Venita Griffin

TOPICS

civil procedure

service of process

motions to dismiss

due process

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's unobjected-to report and recommendation for clear error.
2. Whether dismissal without prejudice under Federal Rule of Civil Procedure 41(b) was warranted because Plaintiff failed to prosecute the action and failed to comply with the court's orders.

HOLDINGS

1. When no timely objection is filed to a magistrate judge's report and recommendation, the district court reviews the recommendation for clear error.
2. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) for failure to prosecute when the plaintiff fails to meaningfully participate in the case and ignores a court order; dismissal without prejudice was appropriate here.
3. Service of process made by a plaintiff who is a party to the action does not satisfy Federal Rule of Civil Procedure 4(c)(2), which requires service by a person at least eighteen years old who is not a party.

KEY QUOTATIONS

“Plaintiff provides a certificate of service that she signed in the presence of a notary and priority mail return cards and receipts but these only indicate that Plaintiff has made the service which is impermissible as she is a party to the case.” (PageID 46)

“Plaintiff has ignored the Court’s order and has failed to meaningfully participate in the case.” (PageID 50)

FACTUAL BACKGROUND

Plaintiff sued several defendants seeking \$100,000,000 and alleging violations of the Tuckers Act, the Administrative Procedure Act, common-law fraud, and due process rights. Plaintiff filed affidavits of service, but the magistrate judge found the service deficient because Plaintiff herself attempted to serve the defendants, contrary to Federal Rule of Civil Procedure 4(c)(2). Plaintiff did not respond to an order requiring her to show cause why the action should not be dismissed and did not object to the magistrate judge's subsequent recommendation.

PROCEDURAL HISTORY

Plaintiff filed this action in July 2024 and later filed an amended complaint. She filed affidavits purporting to prove service, but the magistrate judge determined that service was deficient because Plaintiff, a party to the action, had attempted to make service herself. The magistrate judge issued a show-cause order requiring Plaintiff to explain why the case should not be dismissed, but Plaintiff did not respond. The magistrate judge then

recommended dismissal under Federal Rule of Civil Procedure 41(b). Plaintiff did not object within the applicable fourteen-day period, and the district court reviewed the recommendation for clear error, adopted it, and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- Carpenter v. City of Flint, 723 F.3d 700, 04 (6th Cir. 2013)
- Schafer v. City of Defiance Police Department, 529 F.3d 731, 736 (6th Cir. 2008)
- Knoll v. American Telephone & Telegraph Co., 176 F.3d 359, 363 (6th Cir. 1999)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION LATANUA RUDD,)) Plaintiff,)) No. 2:24-cv-02504-TLP-cgc v.)) JURY DEMAND JUDGE ANNIE T. CHRISTOFF, WENDY) R. OLIVER, Clerk of US District Court,) TENNESSEE BAR ASSOCIATION, and) VENITA GRIFFIN,)) Defendants.) ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS FOR FAILURE TO PROSECUTE No defendant has appeared here even though this case is quite old.

And the last time pro se Plaintiff Latanua Rudd pursued this case was in October 2024 when she filed her Amended Complaint. (ECF No. 12.) So Magistrate Judge Charmiane G. Claxton issued a show cause order in early 2026. (ECF No. 13.)

Because Plaintiff failed to respond, Judge Claxton now recommends that this Court dismiss the case for failure to prosecute. (ECF No. 14.) For the reasons below, the Court ADOPTS her Report and Recommendation (“R&R”) and DISMISSES the case WITHOUT PREJUDICE. BACKGROUND In July 2024, Plaintiff sued Defendants Judge Annie T. Christoff, Wendy R. Oliver, the Tennessee Bar Association, and Venita Griffin.

(ECF No. 1 (Complaint); see also ECF No. 12 (Amended Complaint).) She seeks \$100,000,000.00 and asserts that Defendants violated the Tuckers Act, the “Administrative Procedures Act,” committed common law fraud, and violated her due process rights. (ECF Nos. 1, 12.) These violations appear to stem a separate case in the Western District of Tennessee that “Judge Samuel H. Mays Jr, The State of Tennessee, and The Tennessee BAR ASSOCIATION dismissed.” (Id.)

Because Plaintiff proceeds pro se, this Court referred the case to Magistrate Judge Claxton to manage all pretrial matters. See Admin. Order No. 2013-05. After Plaintiff paid the case initiation fee (ECF No. 3), the Clerk’s Office issued her blank summonses to execute (ECF No. 8). Plaintiff filed three affidavits for proof of service in August 2024. (ECF Nos. 9–11.)

But as Judge Claxton's February 2026 show cause order explains, the proofs of service were inadequate because "Plaintiff provides a certificate of service that she signed in the presence of a notary and priority mail return cards and receipts but these only indicate that Plaintiff has made the service which is impermissible as she is a party to the case." (ECF No. 13 at PageID 46.)

See Fed. R. Civ. P. 4(c)(2) (requiring service to be made by "[a]ny person who is at least 18 years old and not a party") (emphasis added). Finding service deficient, Judge Claxton next ordered "Plaintiff to show cause within fourteen (14) days of the entry of this Order as to why the Court should not enter a Report and Recommendation recommending to the District Court that the Complaint be dismissed without prejudice." (ECF No. 13 at PageID 46.)

See Fed. R. Civ. P. 4(m) ("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."). But Plaintiff never responded to the Show Cause Order. So Judge Claxton later issued an R&R recommending that the Court dismiss this case without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

(ECF No. 14.) LEGAL STANDARD A magistrate judge may submit to a district court judge proposed findings of fact and recommendations for deciding pretrial matters. 28 U.S.C. § 636(b)(1)(A)–(B). And "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed.

R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). If the parties do not object, the district court reviews the R&R for clear error. Fed. R. Civ. P. 72(b) advisory committee notes; see also 28 U.S.C. § 636(b)(1)(C). Judge Claxton entered her R&R on April 9, 2026. (ECF No. 14.)

The R&R notified Plaintiff that she had fourteen days to object. (Id.) Plaintiff did not do so, and the time to object has now passed. The Court therefore reviews the R&R for clear error. DISPOSITION Having reviewed the record, the Court finds no clear error in the R&R.

As Judge Claxton correctly noted, "Plaintiff has ignored the Court's order and has failed to meaningfully participate in the case." (Id. at PageID 50.) Such inaction is textbook grounds for a failure-to-prosecute dismissal under Rule 41(b). Cf. *Carpenter v. City of Flint*, 723 F.3d 700, 04 (6th Cir. 2013) ("It is well settled that a district court has the authority to dismiss sua sponte a lawsuit for failure to prosecute." (citations omitted); *Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 736 (6th Cir.

2008) ("This measure is available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts and opposing parties.")

(quoting *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999)). What is more, Judge Claxton correctly weighed the Rule 41(b) factors and found that all four point to dismissal.

(ECF No. 14 at PageID 50 (citing *Knoll*, 176 F.3d at 363).) The Court therefore ADOPTS the R&R's recommendation and dismisses this case for failure to prosecute. CONCLUSION The Court has reviewed Judge Claxton's R&R and finds no clear error. And so the Court ADOPTS the R&R's recommendation and DISMISSES this case WITHOUT PREJUDICE for failure to prosecute. SO ORDERED, this 6th day of May, 2026. s/Thomas L. Parker THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE