

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)

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