

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

JAMIE HAMILTON N.K.A. JAMIE  
BOOTHE,

Plaintiff,

v.

DEREK ERNEST STETTLER,

Defendants.

Case No. 1:23-cv-00493-DCN

**ORDER**

Plaintiff filed her original Complaint on November 8, 2023. Dkt. 1. Therein, she brought three causes of action against various defendants. *See generally id.*

The Court<sup>1</sup> granted an extension of time for Plaintiff to serve the Complaint. Dkt. 6. Nothing was filed for many months. The Court requested an update and noted Plaintiff's failure to act could result in the dismissal of the case. Dkt. 9.

On May 8, 2024, Plaintiff filed a status update notifying the Court that she had settled all claims against all Defendants *except* for those claims against Defendant Derek Stettler. Dkt. 11. The Court required Plaintiff to file an Amended Complaint and serve said complaint by June 18, 2024. Dkt. 12. Plaintiff filed an Amended Complaint naming Stettler as the sole defendant on May 30, 2024. Dkt. 13. However, Plaintiff never filed anything

---

<sup>1</sup> United States Magistrate Judge Candy W. Dale presided over this case until the recent reassignment. Dkt. 15.

relating to service.

On June 21, 2024, the Court again asked Plaintiff to explain her failure to serve the Amended Complaint by the deadline or request an extension of that deadline. Dkt. 15. The Court gave Plaintiff until July 8, 2024, to file proof of service. *Id.*

July 8, 2024, came and went with no filings. As a result, Judge Dale transferred this case to the undersigned with a recommendation of dismissal. Dkt. 16.

The Court has reviewed the record in this case and finds dismissal appropriate.

Plaintiff has failed to prosecute her case under Federal Rule of Civil Procedure 41 by failing to serve Defendant Stettler in accordance with Federal Rule of Civil Procedure 4(m). Equally important, Plaintiff failed to comply with the Court's order seeking an explanation for her failure to provide notice of service and/or a request for additional time.


The Court understands there are a lot of moving parts in litigation, but ignoring the Court is not acceptable. Here, Judge Dale gave Plaintiff ample opportunity to comply with the rules. Judge Dale reminded Plaintiff of her duty and provided additional time for compliance. Yet Plaintiff chose not to respond or take any action.

Accordingly, IT IS HEREBY ORDERED:

1. This case is DISMISSED WITHOUT PREJUDICE and CLOSED.



DATED: July 10, 2024

  
\_\_\_\_\_  
David C. Nye  
Chief U.S. District Court Judge