

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

ORLY TAITZ,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL NO. 1:15-CV-54
	§	
JOHN KOSKINEN, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER**

The Court is in receipt of Plaintiff’s Notice of Withdrawal of Complaint, Dkt. No. 9.

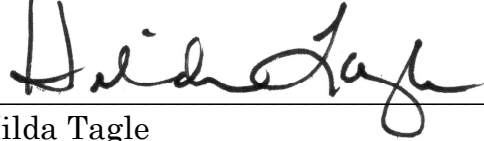
Plaintiff filed a petition with this Court on March 25, 2015. Dkt. No. 1. On March 26, 2015, the Court ordered Plaintiff to serve Defendants within 120 days of filing the complaint, as provided under Federal Rule of Civil Procedure 4(m). Dkt. No. 4. Defendants Carolyn Colvin, Jeh Johnson, Barack Obama, and DHS Detention Facilities in Southern Texas filed a Motion to Dismiss on July 28, 2015. Dkt. No. 6. They seek dismissal of all claims against them because Plaintiff has not served them within 120 days, as required under Rule 4(m). Dkt. No. 6 at 1. On October 6, 2015, the Court ordered Plaintiff to show cause for her failure to serve Defendants within the 120-day period. Dkt. No. 8. Plaintiff responded by filing a notice of withdrawal of complaint in which she states, “Plaintiff herein withdraws her complaint and agrees to the defendants’ motion to dismiss without prejudice.” Dkt. No. 9 at 1.

Federal Rule of Civil Procedure 4(m) provides that the defendants must be served within 120 days after the complaint is filed. Fed. R. Civ. P. 4(m). “If a defendant is not served within 120 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.” Fed. R. Civ. P. 4(m). Courts may not dismiss a case under Rule 4(m) with

prejudice. *Bann v. Ingram Micro, Inc.*, 108 F.3d 625, 626 (5th Cir. 1997). In this case, Plaintiff has received notice and files no objection to Defendants' motion to dismiss without prejudice. Dkt. No. 9 at 1.

The Court **DISMISSES** all claims without prejudice and **DIRECTS** the clerk to close the above-captioned case.

SIGNED this 13th day of October, 2015.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle  
Senior United States District Judge