

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, WACO DIVISION

Sharon Feeney v. LaSalle Corrections IV LLC and Jennifer Evans

No. 6:25-CV-00426-LS (W.D. Tex. Dec. 15, 2025) · No. No. 6:25-CV-00426-LS · Decided December 15, 2025

SUMMARY

The United States District Court for the Western District of Texas granted Plaintiff Sharon Feeney a 30-day extension to serve LaSalle Corrections IV LLC, setting a deadline of January 14, 2026. The court denied her request for alternative service because it was not supported by an affidavit or sworn declaration and ordered her to show cause by December 29, 2025, why the claim against Jennifer Evans should not be dismissed for failure to timely serve her.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Waco Division
WRITING FOR THE COURT	Leon Schydlower
JURISDICTION	United States District Court for the Western District of Texas, Waco Division
DECIDED	December 15, 2025
DOCKET	No. 6:25-CV-00426-LS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se employment-discrimination action and moved for an extension of time to complete service and for permission to use alternative service.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(m), requiring dismissal without prejudice or an order directing service within a specified time when service is not completed within ninety days, and requiring an extension upon a showing of good cause. The court also exercised discretion to extend the service period without a finding of good cause where dismissal could bar the action under the applicable limitations period.
PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential

TOPICS

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to alternative service without submitting an affidavit or sworn declaration.
2. Whether Plaintiff was entitled to an extension of time to serve LaSalle Corrections and Jennifer Evans under Federal Rule of Civil Procedure 4(m).
3. Whether the court should dismiss the action for failure to timely serve when dismissal could bar refiling under the applicable limitations period.

HOLDINGS

1. The request for alternative service was denied because Plaintiff did not submit the sworn statement required for such a request under Texas Rule of Civil Procedure 106(b).
2. Plaintiff did not establish good cause for extending the service deadline because she delayed attempting service on LaSalle until near the end of the ninety-day period and made no attempt to serve Evans.
3. The court granted Plaintiff an additional thirty days to serve LaSalle Corrections despite finding no good cause because dismissal could cause the claim to become time-barred and the circumstances did not warrant dismissal at that time.

KEY QUOTATIONS

“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.”

“Instead, the Court will grant Plaintiff an extension of thirty days to serve LaSalle.”

FACTUAL BACKGROUND

Plaintiff filed suit on September 12, 2025, making December 11, 2025, the ninety-day service deadline. She attempted to serve LaSalle Corrections on December 8 and 9, but both attempts were unsuccessful, and she made no attempt to serve Jennifer Evans. Plaintiff requested alternative service but did not attach an affidavit or sworn declaration, while dismissal could have barred her claims because the EEOC determination was issued on June 16, 2025, and the applicable ninety-day filing period had nearly expired.

PROCEDURAL HISTORY

Plaintiff filed the action on September 12, 2025. She moved on December 10, 2025, for additional time to serve the defendants and for alternative service. The court denied alternative service without prejudice, granted a thirty-day extension to serve LaSalle Corrections, and ordered Plaintiff to show cause why the claims against Jennifer Evans should not be dismissed for untimely service.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Gartin v. Par Pharm. Cos., Inc., 289 F. App'x 688, 692 (5th Cir. 2008)
- Lambert v. United States, 44 F.3d 296, 299 (5th Cir. 1995)
- Thrasher v. City of Amarillo, 709 F.3d 509, 512-13 (5th Cir. 2013)
- Millan v. USAA Gen. Indem. Co., 546 F.3d 321, 326 (5th Cir. 2008)
- Shah v. Novelis, No. 23-40231, 2024 WL 1739753, at *6 (5th Cir. Apr. 23, 2024)
- Newby v. Enron Corp., 284 F. App'x 146, 149 (5th Cir. 2008)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS WACO DIVISION
SHARON FEENEY, § § Plaintiff, § § v. § No. 6:25-CV-00426-LS § LASALLE CORRECTIONS
IV LLC § and JENNIFER EVANS, § § Defendants. § § ORDER GRANTING EXTENSION OF
TIME FOR SERVICE AND DENYING REQUEST FOR ALTERNATIVE SERVICE Plaintiff
Sharon Feeney, proceeding pro se, filed this case on September 12, 2025.¹ Her deadline to serve
Defendant Douglas A. Collins, Secretary of Veterans Affairs, was therefore December 11, 2025,
and the Court issued a notice to Plaintiff informing her of this.² Plaintiff only requested that
summons be issued on December 3, 2025, and only as to one defendant, LaSalle Corrections IV
LLC.³ On December 10, 2025, Plaintiff filed a motion requesting an extension of time to complete
service and for alternative service.⁴ With respect to Plaintiff's request for alternative service, such
a motion requires a statement "sworn to before a notary or made under penalty of perjury."⁵
Plaintiff has not attached an affidavit or sworn declaration to her motion.

The Court therefore denies Plaintiff's request for 1 ECF No. 1. 2 See Fed. R. Civ. P. 4(m); ECF
No. 6. 3 ECF No. 8. 4 ECF No. 9. 5 Tex. R. Civ. P. 106(b). alternative service. Plaintiff may refile
the motion with an attached affidavit or other sworn statement.

The Court next turns to Plaintiff's motion for an extension of time for service. Plaintiff only
appears to be requesting an extension of time to serve LaSalle.⁶ However, consistent with the
Court's obligation to construe pro se filings liberally,⁷ the Court will consider it a motion for an
extension of time to serve both Defendants. "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."⁸ However, the court must extend the time for service if the plaintiff can show good cause

for her failure.⁹ Good cause for failure to timely serve a defendant “requires ‘at least as much as would be required to show excusable neglect, as to which simple inadvertence or mistake of counsel or ignorance of the rules usually does not suffice.’”¹⁰ Also, “some showing of good faith on the part of the party seeking an enlargement and some reasonable basis for noncompliance” is required.¹¹ Plaintiff states that she made two attempts at serving LaSalle, on December 8 and December 9.¹² Both of these attempts were unsuccessful.¹³ However, Plaintiff does not explain why she waited until nearly the end of the ninety-day deadline to attempt to serve LaSalle.

And 6 Id. at 1. 7 *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). 8 Fed. R. Civ. P. 4(m). 9 Id. 10 *Gartin v. Par Pharm. Cos., Inc.*, 289 F. App’x 688, 692 (5th Cir. 2008) (quoting *Lambert v. United States*, 44 F.3d 296, 299 (5th Cir. 1995)). 11 Id. (quoting *Lambert*, 44 F.3d at 299). 12 ECF No. 9 at 1. 13 Id. she has not made any attempt to serve Jennifer Evans.

Therefore, the Court does not consider that Plaintiff has shown good cause for an extension of time for service. However, the Court also notes that Plaintiff’s EEOC determination was issued on June 16, 2025.¹⁴ Plaintiff had ninety days to file suit against LaSalle in federal district court after that date.¹⁵ If the Court dismisses Plaintiff’s action, her case will be barred.

As a result, the Court does not consider it appropriate to deny Plaintiff’s motion and dismiss the case at this time.¹⁶ Instead, the Court will grant Plaintiff an extension of thirty days to serve LaSalle. Plaintiff is reminded that she is responsible for having the summons and complaint served within the time allowed.¹⁷ For the foregoing reasons, the Court grants Plaintiff’s motion [ECF No. 9] in part and denies it in part.

Plaintiff has until January 14, 2026, to serve LaSalle Corrections. Plaintiff has until December 29, 2025, to provide good cause as to why her claim against Jennifer Evans should not be dismissed for failure to timely serve her. Plaintiff’s request for alternative service is denied. SO ORDERED. SIGNED and ENTERED on December 15, 2025. LEON SCHYDLOWER UNITED STATES DISTRICT JUDGE ECF No. 1-1 at 1.

Td. ¹⁶ See *Thrasher v. City of Amarillo*, 709 F.3d 509, 512-13 (5th Cir. 2013) (holding that a district court’s dismissal under Rule 4(m) requires “a clear record of delay or contumacious conduct by the plaintiff” when the statute of limitations would bar future litigation (quoting *Millan v. USAA Gen. Indem. Co.*, 546 F.3d 321, 326 (5th Cir. 2008))); *Shah v. Novelis*, No. 23-40231, 2024 WL 1739753, at *6 (5th Cir.

Apr. 23, 2024) (applying the heightened standard of a dismissal with prejudice to a case where the plaintiff’s case was dismissed for failure to timely serve and the plaintiff was outside of the ninety-day period to sue provided by the EEOC’s right to sue letter); *Newby v. Enron Corp.*, 284 F. App’x

146, 149 (Sth Cir. 2008) (stating that a court has discretion to extend the time for service even without good cause if the applicable statute of limitations would bar the plaintiff from refiling).

Fed. R. Civ. P. 4(c)(1).

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