

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

R.R. v. Romeoville HIE Hotels, LLC

R.R. · No. No. 25 CV 993 · Decided December 10, 2025

SUMMARY

The United States District Court for the Northern District of Illinois granted Romeoville HIE Hotels, LLC’s motion to dismiss for untimely service under Federal Rule of Civil Procedure 4(m). The court dismissed the action without prejudice, concluding that the plaintiff failed to show good cause for serving the defendant 111 days after filing but that dismissal under Rule 41(b) would be too severe. The court also directed the plaintiff to comply with specified filing, pseudonym, and service requirements if she refiles.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Manish S. Shah
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 10, 2025
DOCKET	No. 25 CV 993
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the complaint for untimely service under Federal Rule of Civil Procedure 4(m) and for failure to prosecute and comply with court orders under Rule 41(b).
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(m), requiring dismissal or an extension when service is not timely, with a mandatory extension upon a showing of good cause and discretionary extension otherwise. It treated Rule 41(b) dismissal as a harsh sanction appropriate only upon a record of delay or contumacious conduct, prejudice, or the unavailability of lesser sanctions.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

service of process

sanctions

civil procedure

remedies

PRACTICE AREAS

Civil procedure

Human trafficking

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) because plaintiff failed to serve defendant within ninety days and did not show good cause or otherwise justify an extension.
2. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with court orders.

HOLDINGS

1. Because plaintiff served defendant 111 days after filing, failed to show good cause for the delay, and did not establish circumstances warranting a discretionary extension, the court dismissed the action without prejudice under Rule 4(m).
2. Dismissal with prejudice under Rule 41(b) was too severe a sanction because defendant was not prejudiced, the delay was not extreme, the court's calendar was not substantially affected, lesser sanctions were available, and the action implicated a federal-law objective concerning sex trafficking.

KEY QUOTATIONS

“If a plaintiff fails to serve a defendant “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.”” (Analysis)

“Dismissal with prejudice for want of prosecution should usually be used “only in extreme situations.”” (Analysis)

FACTUAL BACKGROUND

R.R. alleged that Romeoville HIE Hotels violated the Trafficking Victims Protection Reauthorization Act by knowingly benefiting from sex trafficking through payments for hotel rooms that it knew or should have known were used to traffic her. She filed the complaint on January 29, 2025, but did not serve defendant until May 20, 2025, 111 days later, and offered no good cause or explanation for the delay. She also failed to file two court-ordered status reports, although the court found that these failures and the service delay did not prejudice defendant or substantially affect the court's calendar.

PROCEDURAL HISTORY

Plaintiff filed the action on January 29, 2025, and served defendant 111 days later, beyond Rule 4(m)'s ninety-day service period. Plaintiff also failed to comply with two orders requiring status reports, although she filed a report after a third order. The court granted dismissal without prejudice under Rule 4(m), denied dismissal under Rule 41(b), and directed entry of judgment and termination of the civil case.

DISPOSITION

dismissed

CASES CITED

- United States v. Ligas, 549 F.3d 497, 501 (7th Cir. 2008)
- UWM Student Ass'n v. Lovell, 888 F.3d 854, 858-59 (7th Cir. 2018)
- Cardenas v. City of Chicago, 646 F.3d 1001, 1005, 1007 (7th Cir. 2011)
- Next Millennium Telecom Co. v. Am. Signal Corp., 112 F.4th 481, 484 (7th Cir. 2024)
- Salata v. Weyerhaeuser Co., 757 F.3d 695, 699 (7th Cir. 2014)
- Jones v. Ramos, 12 F.4th 745, 749 (7th Cir. 2021)
- Thomas v. Wardell, 951 F.3d 854, 862-63 (7th Cir. 2020)
- McMahan v. Deutsche Bank AG, 892 F.3d 926, 932 (7th Cir. 2018)
- Washington v. Walker, 734 F.2d 1237, 1239 (7th Cir. 1984)
- Kasalo v. Harris & Harris, Ltd., 656 F.3d 557, 561 (7th Cir. 2011)

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