

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, STATESVILLE DIVISION

Cobey Lakemper v. Ronnie Huneycutt, et al.

LaKemper · No. 5:24-cv-00118-MR-WCM · Decided January 2, 2026

SUMMARY

The United States District Court for the Western District of North Carolina overruled Cobey Lakemper’s objections to a magistrate judge’s recommendation concerning service of process on Defendant Jennifer Bruce. The court denied an extension of time and dismissed the action without prejudice as to Bruce under Federal Rule of Civil Procedure 4(m), concluding that the U.S. Marshals Service had made reasonable efforts to locate and serve her.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Statesville Division
JURISDICTION	United States District Court for the Western District of North Carolina, Statesville Division
DECIDED	January 2, 2026
DOCKET	5:24-cv-00118-MR-WCM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the plaintiff's objections to a magistrate judge's Memorandum and Recommendation recommending denial of additional time to serve Defendant Jennifer Bruce and dismissal of Bruce without prejudice under Federal Rule of Civil Procedure 4(m).
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's report or recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1); no de novo review is required for unobjected-to findings or for general and conclusory objections.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not specified
PARTIES	Cobey Lakemper v. Ronnie Huneycutt, Jennifer Bruce, et al.

TOPICS

service of process

civil procedure

section 1983

motions to dismiss

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the plaintiff established good cause for failing to serve Defendant Jennifer Bruce within the period prescribed by Federal Rule of Civil Procedure 4(m).
2. Whether the court should grant the plaintiff additional time to serve Bruce based on the U.S. Marshals Service's unsuccessful service efforts.
3. Whether Bruce should be dismissed without prejudice under Rule 4(m).

HOLDINGS

1. The plaintiff failed to establish good cause for failing to serve Bruce.
2. The plaintiff was not entitled to an extension of the service deadline.
3. The district court properly applied de novo review to the plaintiff's specific objections and accepted the magistrate judge's recommendation.

KEY QUOTATIONS

"The record establishes that the U.S. Marshals Service used reasonable and diligent investigative efforts by making repeated service attempts at two locations, asking neighbors about Bruce's location, and examining old mail at the second service address." (Section III)

"the action is DISMISSED WITHOUT PREJUDICE as to Defendant Jennifer Bruce." (Conclusion)

FACTUAL BACKGROUND

The plaintiff, an incarcerated person, sued under 42 U.S.C. § 1983 based on alleged incidents at Alexander Correctional Institution. The North Carolina Department of Adult Corrections could not obtain a waiver of service for Jennifer Bruce because she was no longer employed there, and it provided her last known address under seal. The U.S. Marshals Service attempted service at two locations, investigated Bruce's whereabouts through neighbors and old mail, and was unable to locate her.

PROCEDURAL HISTORY

The plaintiff filed a 42 U.S.C. § 1983 action concerning incidents at Alexander Correctional Institution. After the U.S. Marshals Service made repeated unsuccessful efforts to locate and serve Jennifer Bruce, the court ordered the plaintiff to show cause why Bruce should not be dismissed for lack of service. The magistrate judge recommended denying an extension and dismissing Bruce without prejudice. The district court overruled the plaintiff's objections, accepted the recommendation, denied the extension, and dismissed the action without prejudice as to Bruce.

DISPOSITION

dismissed

CASES CITED

- United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Houston v. Lack, 487 U.S. 266, 276 (1988)
- Lewis v. Richmond City Police Dep't, 947 F.2d 733 (4th Cir. 1991)
- Shirley v. Staubs, 812 F. App'x 162, 162-63 (4th Cir. 2020)
- Odom v. Ozmint, 517 F. Supp. 2d 764, 768 (D.S.C. 2007)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-nor/2026/cobey-lakemper-v-ronnie-huneycutt-et-al-87zjitc0>