

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION (DAYTON)

Jayce K. Kadire v. RV Retailer Texas II, LLC, et al.

Case No. 3:25-cv-00277 · No. 3:25-cv-00277 · Decided January 2, 2026

SUMMARY

A magistrate judge recommends dismissal without prejudice of Jayce K. Kadire’s claims against RV Retailer Texas II, LLC and Airstream, Inc. under Federal Rule of Civil Procedure 4(m) for failure to effect timely service. The recommendation follows Plaintiff’s failure to respond to an order to show cause regarding the expired service deadline.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division (Dayton)
WRITING FOR THE COURT	Caroline H. Gentry
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division (Dayton)
DECIDED	January 2, 2026
DOCKET	3:25-cv-00277
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on the court's sua sponte order requiring Plaintiff to show cause why his claims should not be dismissed without prejudice for failure to timely serve Defendants.
STANDARD OF REVIEW	Federal Rule of Civil Procedure 4(m) permits dismissal without prejudice, or an order extending the service period, when a defendant is not served within ninety days after the complaint is filed; an extension is mandatory upon a showing of good cause.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jayce K. Kadire v. RV Retailer Texas II, LLC, Airstream, Inc.

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

civil procedure

service of process

QUESTIONS PRESENTED

1. Whether the Court should dismiss Plaintiff's claims without prejudice under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to timely serve Defendants and failed to show good cause or otherwise respond to the show-cause order.

HOLDINGS

1. Because Plaintiff failed to effect timely service, failed to show good cause for the failure, and did not respond to the show-cause order, sua sponte dismissal without prejudice under Federal Rule of Civil Procedure 4(m) was appropriate.

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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." (PageID 16)

"Failure to comply with this Order may result in a recommendation that Plaintiff's claims against Defendants RV Retailer Texas II, LLC and Airstream, Inc. be dismissed without prejudice." (PageID 17)

FACTUAL BACKGROUND

Plaintiff filed claims against RV Retailer Texas II, LLC and Airstream, Inc. on August 15, 2025. Plaintiff did not timely perfect service within the ninety-day period required by Rule 4(m). After receiving notice and an opportunity to show cause, Plaintiff did not file a written response by the court-ordered deadline.

PROCEDURAL HISTORY

Plaintiff filed his Complaint on August 15, 2025. After the ninety-day service period under Federal Rule of Civil Procedure 4(m) expired without timely service, the Court issued a December 4, 2025 show-cause order requiring Plaintiff to explain why the claims should not be dismissed. Plaintiff filed no response by the December 23, 2025 deadline, and the magistrate judge recommended dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION (DAYTON) JAYCE K. KADIRE,; Case No. 3:25-cv-00277 Plaintiff,; District Judge Michael J. Newman; Magistrate Judge Caroline H. Gentry vs.: RV RETAILER TEXAS II, LLC, et al., Defendants.; REPORT AND RECOMMENDATION On December 4, 2025, the Court ordered Plaintiff to show cause by December 23, 2025 why his claims against Defendants RV Retailer Texas II, LLC and Airstream, Inc. should not be dismissed as required by Federal Rule of Civil Procedure 4(m).

(Show Cause Order, Doc. No. 5.) For the reasons discussed below, the undersigned Magistrate Judge RECOMMENDS that Plaintiff's claims be DISMISSED WITHOUT PREJUDICE. Plaintiff filed his Complaint against Defendants RV Retailer Texas II, LLC and Airstream, Inc. on August 15, 2025. (Doc. No. 1).

The Court subsequently ordered Plaintiff to show cause as to why his claims should not be dismissed for failure to effect timely service. (Show Cause Order, Doc, No. 5.) The Court explained that the ninety-day time limit for service specified by Rule 4(m) had passed and that Plaintiff had not timely perfected service on Defendants. (Id. at PageID 16.)

The Court further explained that pursuant to Rule 4(m): 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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

(Id. at PageID 16 (emphasis added).) The Court also cautioned Plaintiff: "Failure to comply with this Order may result in a recommendation that Plaintiff's claims against Defendants RV Retailer Texas II, LLC and Airstream, Inc. be dismissed without prejudice." (Id. at PageID 17 (emphasis in original).) Plaintiff has failed to file a written response to the Show Cause Order, and the deadline for doing so has passed.

Under these circumstances, sua sponte dismissal pursuant to Federal Rule of Civil Procedure 4(m) is appropriate. The undersigned therefore RECOMMENDS that Plaintiff's claims in this lawsuit be DISMISSED WITHOUT PREJUDICE. IT IS SO RECOMMENDED. s/ Caroline H. Gentry
Caroline H. Gentry United States Magistrate Judge Procedure on Objections Pursuant to Fed. R. Civ.

P. 72(a), any party may serve and file specific, written objections within FOURTEEN days after being served with this Report and Recommendation ("Report"). Pursuant to Fed. R. Civ. P. 6(d), this period is extended to SEVENTEEN days if this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), or (F). Such objections shall specify the portions

of the Report objected to and shall be accompanied by a memorandum of law in support of the objections.

If the Report is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within FOURTEEN days after being served with a copy.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).