

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
IOWA, WESTERN DIVISION

Mariana Pacheco v. Western Iowa Tech Community College

Pacheco · No. No. C26-4011-LTS-MAR · Decided April 8, 2026

SUMMARY

The United States District Court for the Northern District of Iowa considered whether service of process on Western Iowa Tech Community College was insufficient under Iowa law after removal from state court. The court found good cause to extend the service deadline under Iowa law and 28 U.S.C. § 1448, denied the defendant’s motion to dismiss, and granted the plaintiff’s motion for an extension of time and issuance of summons.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Iowa, Western Division                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Leonard T. Strand                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Northern District of Iowa, Western Division                                                                                                                                                                                                                                                 |
| DECIDED               | April 8, 2026                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | No. C26-4011-LTS-MAR                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | After removal from Iowa state court, defendant moved under Federal Rule of Civil Procedure 12(b)(5) to dismiss for insufficient service of process. Plaintiff moved for an extension of time to complete service and for issuance of a summons.                                                                                  |
| STANDARD OF REVIEW    | The court considered the sufficiency of service under Federal Rule of Civil Procedure 12(b)(5), applying Iowa law to service completed before removal and federal law to service after removal. Whether to extend the service period for good cause was evaluated under the applicable service rules and the court's discretion. |
| PRECEDENTIAL VALUE    | Unknown; memorandum opinion and order from a federal district court                                                                                                                                                                                                                                                              |
| PARTIES               | Mariana Pacheco v. Western Iowa Tech Community College                                                                                                                                                                                                                                                                           |

## TOPICS

service of process   motions to dismiss   civil procedure   ada / disability   employment discrimination

## PRACTICE AREAS

civil procedure   employment law   civil rights   disability discrimination   title vii

## QUESTIONS PRESENTED

1. Whether service completed before removal was insufficient under Iowa law because the papers were not served on WITCC's president or secretary.
2. Whether 28 U.S.C. § 1448 and Federal Rule of Civil Procedure 4(m) permitted the federal court to allow additional time to complete service after removal.
3. Whether Pacheco established good cause under Iowa law for an extension of the service deadline.

## HOLDINGS

1. In an action removed from state court, the sufficiency of service completed before removal is determined by state law, while service completed after removal is governed by federal law.
2. Pacheco's service on campus security, with anticipated delivery to another employee who was not WITCC's president or secretary, was insufficient under Iowa law.
3. Pacheco demonstrated good cause under Iowa Rule of Civil Procedure 1.302(5) to extend the time for service.
4. Dismissal was not warranted because Iowa law allowed an extension for good cause and Pacheco established good cause; the court therefore could issue summons and permit completion of service under 28 U.S.C. § 1448 and Rule 4(m).

## KEY QUOTATIONS

*“in a case that has been removed from state court, the sufficiency of service of process prior to removal is determined by state law, and after removal, by federal law.”* (at 2)

*“We do not believe that this section can ‘resurrect’ a removed diversity case which would have been dismissed as time-barred had it remained in state court.”* (at 5)

*“The plaintiff must have taken some affirmative action to effectuate service of process upon the defendant or have been prohibited, through no fault of his [or her] own, from taking such an affirmative action.”* (at 6)

*“I find Pacheco has demonstrated good cause to allow an extension to perfect service on WITCC.”* (at 9)

## FACTUAL BACKGROUND

Pacheco filed employment-discrimination and negligence claims against WITCC in Iowa state court. Her first process server did not confirm service, and a later sheriff's return stated that papers were delivered to campus security for transmittal to Troy Jasman, rather than to WITCC's president or secretary. After the state court's

extended service deadline passed, WITCC removed the case; Pacheco then promptly arranged service through WITCC's secretary and sought additional time to perfect service.

#### PROCEDURAL HISTORY

Pacheco originally filed Title VII, ADA, and negligence claims in the Iowa District Court for Woodbury County. Her initial service attempt was defective, and the state court granted a thirty-day extension through February 6, 2026. She did not perfect service by that deadline or seek another extension before it expired. WITCC removed the action on February 18, 2026, moved to dismiss, and Pacheco subsequently served WITCC through its secretary and moved for an extension under 28 U.S.C. § 1448 and Federal Rule of Civil Procedure 4(m).

#### DISPOSITION

other

#### CASES CITED

- Barner v. Thompson, 796 F.3d 897, 899-902 (8th Cir. 2015)
- Marshall v. Warwick, 155 F.3d 1027, 1029-33 (8th Cir. 1998)
- Crall v. Davis, 714 N.W.2d 616, 617-21 (Iowa 2006)
- Meier v. Senecaut, 641 N.W.2d 532, 542 (Iowa 2002)
- Wilson v. Ribbens, 678 N.W.2d 417, 421 (Iowa 2004)
- Shipp v. Oskaloosa Comm. Sch. Dist., 4:18-cv-00087, 2018 WL 8665815, at \*1, \*4 (S.D. Iowa May 8, 2018)
- Mokhtarian v. GTE Midwest Inc., 578 N.W.2d 666, 669 (Iowa 1998)
- Rucker v. Taylor, 828 N.W.2d 595, 603-04 (Iowa 2013)
- Duwa v. Brooks, No. 08-2038, 2009 WL 5126140, at \*2 (Iowa Ct. App. Dec. 30, 2009)