

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

April Nuckles v. LoanCare, LLC, et al.

Nuckles · No. 2:26-cv-00227 · Decided June 12, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia granted Plaintiff April Nuckles’s motion to extend the time to serve Defendant Nazanin Magnazi d/b/a BG Solutions. The court found no good cause under Federal Rule of Civil Procedure 4(m), but exercised its discretion to grant a limited extension until July 13, 2026 because Plaintiff had attempted service, filed the motion before the deadline, and demonstrated no prejudice or disruption to the case schedule.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	June 12, 2026
DOCKET	2:26-cv-00227
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an extension of time to serve an unserved defendant after removal from state court.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(m), requiring an extension upon good cause but permitting a discretionary extension even absent good cause.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- service of process

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated good cause under Federal Rule of Civil Procedure 4(m) for failing to timely serve BG Solutions.
2. Whether the court should exercise its discretion to extend the service period even absent good cause.

HOLDINGS

1. Plaintiff did not establish good cause because the failure resulted from an address typographical error and counsel's failure to correct the error after receiving clear notice that service had failed.
2. A district court may, in its discretion, extend the time for service even when the plaintiff has not shown good cause, and a limited discretionary extension was warranted here.
3. When an action is removed before a defendant is served, 28 U.S.C. § 1448 and Federal Rule of Civil Procedure 4(m), operating with Rule 81(c), provide the plaintiff 90 days following removal to perfect service under the Federal Rules of Civil Procedure.

KEY QUOTATIONS

“Accordingly, Federal Rule of Civil Procedure 4(m) and § 1448 operate together to provide a plaintiff with 90 days following removal to perfect service upon an unserved defendant in accordance with the applicable Federal Rules of Civil Procedure.” (at 2)

“The Fourth Circuit has made clear that although good cause necessitates an extension of the service period, “a district court possesses discretion to grant the plaintiff an extension of time to serve a defendant with the complaint and summons even absent a showing of good cause.”” (at 2)

FACTUAL BACKGROUND

Plaintiff attempted to serve Nazanin Magnazi d/b/a BG Solutions shortly after filing the complaint, but used 1400 West Olympic Boulevard instead of the correct 11400 West Olympic Boulevard. The summons and complaint were returned undeliverable on March 23, 2026, and the failed delivery was also reflected on the Secretary of State's website and in the removal filings. Plaintiff did not promptly correct the error but sought an extension before the Rule 4(m) deadline expired.

PROCEDURAL HISTORY

Plaintiff filed the action in the Circuit Court of Kanawha County, West Virginia, on February 25, 2026. She served LoanCare, LLC and Lakeview Loan Servicing, LLC, but an attempted service on Nazanin Magnazi d/b/a BG Solutions was returned undeliverable because of an incorrect address. LoanCare and Lakeview removed the action to the federal district court on March 27, 2026, before BG Solutions had been served. Plaintiff then moved for an extension of time to complete service, and the court granted a discretionary extension through July 13, 2026.

DISPOSITION

other

CASES CITED

- Viars v. Greenbrier Minerals, LLC, No. 5:15-cv-15410, 2016 WL 4746206, at *1 (S.D. W. Va. Sep. 12, 2016)
- Gelin v. Shuman, 35 F.4th 212, 218-219 (4th Cir. 2022)
- Attkisson v. Holder, 925 F.3d 606, 627 (4th Cir. 2019)

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