

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Zulpykhar Bektas v. Mollie Isaacson

Bektas v. Isaacson · No. 25-14746 (SRC) · Decided February 5, 2026

SUMMARY

The United States District Court for the District of New Jersey denied without prejudice Plaintiff Zulpykhar Bektas’s motion for default judgment in an action alleging unreasonable delay in adjudicating an affirmative asylum application. The court held that the record did not establish proper service on the Attorney General as required by Federal Rule of Civil Procedure 4(i), and therefore declined to reach the merits.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Stanley R. Chesler
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 5, 2026
DOCKET	25-14746 (SRC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment on claims under the Administrative Procedure Act and the Mandamus Act seeking to compel adjudication of an affirmative asylum application. The court denied the motion without prejudice because the record did not establish valid service on the Attorney General as required for an action against a federal officer in an official capacity.
STANDARD OF REVIEW	A motion for default judgment requires valid service of process and proof establishing entitlement to relief; default judgment cannot be entered when service is insufficient.
PRECEDENTIAL VALUE	Unpublished and not for publication
PARTIES	Zulpykhar Bektas v. Mollie Isaacson

TOPICS

- default judgment
- service of process
- personal jurisdiction
- asylum
- mandamus immigration

PRACTICE AREAS

Civil procedure

Immigration

Administrative law

Federal courts

QUESTIONS PRESENTED

1. Whether default judgment may be entered against a federal officer when the record does not establish service on both the United States Attorney and the Attorney General as required by Federal Rule of Civil Procedure 4(i).
2. Whether the Clerk's entry of default cures an underlying defect in service or permits the court to exercise personal jurisdiction over the defendant.

HOLDINGS

1. Default judgment may not be entered unless the plaintiff establishes valid service of process. Because the record did not demonstrate service on the Attorney General as required by Rule 4(i), Plaintiff was not entitled to default judgment.
2. The Clerk's entry of default does not cure defective service or supply personal jurisdiction over the defendant.

KEY QUOTATIONS

“Where service is insufficient, default judgment must be denied regardless of any failure to respond.” (2)

FACTUAL BACKGROUND

Plaintiff alleged unreasonable delay in the adjudication of his affirmative asylum application and sued Mollie Isaacson, a federal officer, in her official capacity under the Administrative Procedure Act and the Mandamus Act. Plaintiff represented that service complied with Federal Rule of Civil Procedure 4(i), but the docket did not show proper service on the Attorney General of the United States. The Clerk nevertheless entered default after Defendant failed to plead or otherwise respond.

PROCEDURAL HISTORY

Bektas commenced the action on August 19, 2025. After allegedly serving the summons and complaint, Plaintiff sought entry of default and default judgment; the Clerk entered default on November 21, 2025. The District Court denied default judgment without prejudice, holding that the record did not demonstrate compliance with Federal Rule of Civil Procedure 4(i) and that the court therefore could not reach the merits.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff may effect proper service under Federal Rule of Civil Procedure 4(i) and, if appropriate, renew the request for default judgment.

CASES CITED

- Gold Kist, Inc. v. Laurinburg Oil Co., 756 F.2d 14, 19 (3d Cir. 1985)

OPINION

BEKTAS

PER CURIAM.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

ZULPYKHAR BEKTAS, : Civil Action No. 25-14746 (SRC) Plaintiff, :

: OPINION

v. : MOLLIE ISAACSON, : Defendant. : CHESLER, District Judge This matter comes before the Court on a Motion for Default Judgment submitted by Plaintiff Zulpykhar Bektas (Dkt. No. 6). No opposition was filed. For the reasons set forth below, Plaintiff's Motion is DENIED.

I. PROCEDURAL AND FACTUAL BACKGROUND

Plaintiff commenced this action on August 19, 2025, asserting claims under the Administrative Procedure Act and the Mandamus Act based on alleged unreasonable delay in the adjudication of his affirmative asylum application. (Dkt. No. 1). Plaintiff thereafter sought entry of default and default judgment, asserting that Defendant failed to plead or otherwise respond after service of the summons and complaint. (Dkt. No. 6). The Clerk entered default on November 21, 2025. Plaintiff now seeks default judgment compelling agency action. In support, Plaintiff represents that service was effected in accordance with Federal Rule of Civil Procedure 4(i). 1

II. LEGAL STANDARD

Default judgment is appropriate only where there has been valid service of process. *Gold Kist, Inc. v. Laurinburg Oil Co.*, 756 F.2d 14, 19 (3d Cir. 1985). "A default judgment entered when there has been no proper service of the complaint is void." *Id.* Where a defendant is a federal officer sued in an official capacity, Federal Rule of Civil Procedure 4(i)(2) requires service not only on the officer, but also on the United States. Service on the United States requires delivery of the summons and complaint to both: (1) the United States Attorney for the district where the action is brought (or a designated assistant), and (2) the Attorney General of the United States in Washington, D.C. Fed. R. Civ. P. 4(i)(1).

III. LEGAL ANALYSIS

Although Plaintiff asserts that service was properly effected under Rule 4(i), the record does not reflect the same. Specifically, the docket does not reflect proper service on the Attorney General of the United States, as required when a federal officer is sued in her official capacity. Proof of service demonstrating compliance with Rule 4(i)(1) and (2) is a prerequisite to the entry of default and default judgment. See Fed. R. Civ. P. 4(l); *Gold Kist*, 756 F.2d at 19. Because valid service is a necessary condition to the Court's exercise of personal jurisdiction, the Clerk's entry of default

does not cure the underlying defect. Where service is insufficient, default judgment must be denied regardless of any failure to respond. Accordingly, Plaintiff has not satisfied his burden under Rule 55(d) to establish a right to relief against a federal officer, and the Court declines to reach the merits of Plaintiff's claims at this stage. 2

IV. CONCLUSION

For the foregoing reasons, Plaintiff's Motion for Default Judgment is DENIED without prejudice. Plaintiff may effect proper service in accordance with Federal Rule of Civil Procedure 4(i) and, if appropriate, renew his request thereafter. An appropriate Order accompanies this opinion. /s/ Stanley R. Chesler

THE HON. STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE

Dated: February 5, 2026 3