

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH
DAKOTA

Christopher Vickerman v. Jake Vermillion, Corrections Officer,
Ward County Jail

Vickerman · No. 1:25-cv-073 · Decided January 9, 2026

SUMMARY

The court addresses unsuccessful attempts to serve Defendant Jake Vermillion in Plaintiff Christopher Vickerman's pro se excessive-force action. Applying Federal Rule of Civil Procedure 4, the court explains that Plaintiff bears ultimate responsibility for providing accurate service information, despite proceeding in forma pauperis and receiving assistance from the United States Marshals Service. The court extends the service deadline to January 23, 2026, and warns that failure to provide a valid address or otherwise comply will result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the District of North Dakota
WRITING FOR THE COURT	Clare R. Hochhalter
JURISDICTION	United States District Court for the District of North Dakota
DECIDED	January 9, 2026
DOCKET	1:25-cv-073
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action in which the court screened the complaint, authorized service by the United States Marshals Service because Plaintiff proceeded in forma pauperis, and addressed two returned unexecuted summonses.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Christopher Vickerman v. Jake Vermillion, Corrections Officer, Ward County Jail

TOPICS

- service of process
- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Who bears ultimate responsibility for providing accurate information and effectuating service of process when a pro se prisoner proceeds in forma pauperis and the United States Marshals Service has been directed to serve the defendant?
2. Whether the court should extend the Rule 4(m) service deadline after unsuccessful service attempts.

HOLDINGS

1. Although the United States Marshals Service must effect service when an in forma pauperis plaintiff requests it, the plaintiff retains ultimate responsibility for providing accurate information needed to accomplish service.
2. After unsuccessful service attempts, the court may extend the Rule 4(m) deadline and provide a specified period for service; here, the court extended the deadline and required Plaintiff to provide a valid service address.

KEY QUOTATIONS

“Plaintiff bears the responsibility of prosecuting this case, including effectuating service of process on Defendant.” (at 2)

“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.” (at 3)

FACTUAL BACKGROUND

Christopher Vickerman, an inmate at the North Dakota State Penitentiary, filed a pro se action against Jake Vermillion, a corrections officer, alleging excessive use of force. After the complaint was screened, the Clerk sent waiver-of-service materials and the United States Marshals Service attempted service at addresses in Virginia and North Dakota. Both attempts failed because Defendant could not be located, and Plaintiff had not provided additional service information.

PROCEDURAL HISTORY

Plaintiff filed the action and an application to proceed in forma pauperis on April 1, 2025. The court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915A, found a facially plausible individual-capacity excessive-force claim, and directed service. The United States Marshals Service twice returned the summons unexecuted because Defendant could not be located. The court extended the service deadline and ordered Plaintiff to provide a service address, warning that failure to do so would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Hardene v. St. Louis Pub. Libr., No. 4:22-CV-1229 AGF, 2023 WL 6199785, at **2-3 (E.D. Mo. Sept. 22, 2023)
- Beyer v. Pulaski Cty. Jail, 589 Fed. Appx. 798, 799 (8th Cir. 2014)
- Lee v. Armontrout, 991 F.2d 487, 489 (8th Cir. 1993)
- Pemberton v. Patton, 673 F. App'x 860, 864 (10th Cir. 2016) (unpublished)
- Kurka v. Iowa County, No. 08-CV-95-LRR, 2009 WL 906037, at *3 (N.D. Iowa Mar. 30, 2009)
- Beck v. Nutakor, No. 04-686 (PJS/SRN), 2008 WL 512706, at *3 (D. Minn. Feb. 25, 2008)

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