

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Zoey Paint Corporation v. Boston Ship Repair, LLC

Zoey Paint · No. 1:25-cv-12044-JDH · Decided February 24, 2026

SUMMARY

A United States Magistrate Judge recommends dismissal without prejudice because the plaintiff failed to serve the summons and complaint within the time required by Federal Rule of Civil Procedure 4(m) and failed to respond to an order to file proof of service or show good cause. The case is directed to be returned to the Clerk's Office for reassignment to a District Judge, and the parties are advised of the procedure for objecting to the recommendation.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Jessica D. Hedges
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	February 24, 2026
DOCKET	1:25-cv-12044-JDH
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge issued an order for reassignment and a report and recommendation that the action be dismissed without prejudice because Plaintiff failed to serve Defendant or show good cause for the failure.
PRECEDENTIAL VALUE	Unpublished magistrate judge report and recommendation; nonprecedential and subject to district-judge review.

TOPICS

[service of process](#) [civil procedure](#) [motions to dismiss](#)

PRACTICE AREAS

[Civil procedure](#) [Service of process](#) [Commercial litigation](#)

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) and Local Rule 4.1(b) when Plaintiff failed to serve the summons and complaint within the required period and failed to show good cause for the failure.

HOLDINGS

1. Because Plaintiff failed to file proof of service or show good cause after being ordered to do so, dismissal of the action without prejudice was recommended under Federal Rule of Civil Procedure 4(m) and Local Rule 4.1(b).

KEY QUOTATIONS

“Accordingly, I RECOMMEND that the District Judge DISMISS this action without prejudice.”

“The Court directs the case to be returned to the Clerk’s Office for REASSIGNMENT to a District Judge for further proceedings.”

FACTUAL BACKGROUND

Plaintiff filed this action on July 21, 2025, and was required under Federal Rule of Civil Procedure 4(m) and Local Rule 4.1(b) to serve the summons and complaint by October 20, 2025. Plaintiff did not file proof of service by that deadline. After receiving an order to show proof of service or good cause within twenty-one days, Plaintiff still did not respond.

PROCEDURAL HISTORY

Plaintiff filed the complaint on July 21, 2025. After the Rule 4(m) service period expired, the magistrate judge ordered Plaintiff to file proof of service or show good cause within twenty-one days, warning that failure to respond could result in a recommendation of dismissal. Plaintiff did neither, so the magistrate judge recommended dismissal without prejudice and directed reassignment to a district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was directed to be returned to the Clerk’s Office for reassignment to a district judge for further proceedings. The recommendation of dismissal remained subject to district-judge review and any objections under Federal Rule of Civil Procedure 72(b).

CASES CITED

- Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016)
- Keating v. Secretary of Health & Human Services, 848 F.2d 271, 275 (1st Cir. 1988)

OPINION

Zoey Paint Corporation v. Boston Ship Repair, LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

ZOEY PAINT CORPORATION,

Plaintiff, No. 1:25-cv-12044-JDH v.

BOSTON SHIP REPAIR, LLC,

Defendant.

ORDER FOR REASSIGNMENT AND REPORT AND RECOMMENDATION

HEDGES, M.J. The complaint in the above-entitled action was filed on July 21, 2025. Pursuant to Federal Rule of Civil Procedure 4(m) and Local Rule 4.1(b), Plaintiff was required to serve the summons and complaint by October 20, 2025. On October 21, 2025, I ordered that within twenty-one days, Plaintiff must file proof of service or show good cause as to why service had not been made. Docket No. 4. I further stated that failure to respond to the order or show cause may result in the court recommending to a District Judge that the case be dismissed. *Id.* As of today, Plaintiff has not filed proof of service or shown good cause as to why service has not been made. Accordingly, I RECOMMEND that the District Judge DISMISS this action without prejudice. The Court directs the case to be returned to the Clerk's Office for REASSIGNMENT to a District Judge for further proceedings.

SO ORDERED.¹

Dated: November 14, 2025 /s/ Jessica D. Hedges United States Magistrate Judge 1 The parties are advised that under the provisions of Federal Rule of Civil Procedure 72(b) and Rule 3 of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, any party who objects to these proposed findings and recommendations must file specific written objections thereto with the Clerk of this Court within fourteen days of service of this Report and Recommendation. The written objections must specifically identify the portion of the proposed findings, recommendations, or report to which objection is made and the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Fed. R. Civ. P. 72(b), will preclude further appellate review of the District Court's order based on this Report and Recommendation. See *Santos-Santos v. Torres-Centeno*, 842 F.3d 163, 168 (1st Cir. 2016); see also *Keating v. Sec'y of Health & Human Servs.*, 848 F.2d 271, 275 (1st Cir. 1988).