

**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.

OPINION

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).