

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Justin Baker v. Lifetime Advocacy Plus et al.

Baker · No. 2:25-cv-01785-TL · Decided December 17, 2025

SUMMARY

The United States District Court for the Western District of Washington strikes as moot Justin Baker’s motion for service of summons by the United States Marshals Service. The court concludes that defendants waived insufficient service of process by filing an answer without challenging service, and directs the clerk to strike the motion.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Tana Lin
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 17, 2025
DOCKET	2:25-cv-01785-TL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding in forma pauperis, moved for service of the summons and complaint by the United States Marshals Service. The court struck the motion as moot because defendants had filed an answer without challenging insufficient service of process.
PRECEDENTIAL VALUE	unknown
PARTIES	Justin Baker v. Lifetime Advocacy Plus et al.

TOPICS

- service of process
- waiver
- personal jurisdiction
- civil procedure

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. Whether defendants waived any defect in service of process by filing an answer that did not challenge insufficient service.
2. Whether plaintiff's motion for service by the United States Marshals Service should be stricken as moot after defendants waived the service requirement.

HOLDINGS

1. Defendants waived the requirement of personal service by filing an answer that demonstrated an intent to defend but failed to raise insufficient service of process.
2. The motion for service by the United States Marshals Service was moot and was properly stricken.

KEY QUOTATIONS

“A federal court does not have jurisdiction over a defendant unless the defendant has been served properly under [Federal Rule of Civil Procedure] 4.” (at 1)

“A general appearance or responsive pleading by a defendant that fails to dispute personal jurisdiction will waive any defect in service or personal jurisdiction.” (at 1)

FACTUAL BACKGROUND

Justin Baker is proceeding in forma pauperis and requested assistance from the United States Marshals Service to serve the summons and complaint on the defendant. Defendants filed an answer before they were served with a summons. The answer did not challenge insufficient service of process, and the court treated the filing as a general appearance demonstrating an intent to defend.

PROCEDURAL HISTORY

Plaintiff filed this federal action and sought assistance with service of process. Before being served with a summons, defendants filed an answer that did not raise insufficient service of process. The district court concluded that defendants waived the service defense and struck plaintiff's service motion as moot.

DISPOSITION

other

CASES CITED

- Direct Mail Specialists v. Eclat Computerized Techs., Inc., 840 F.2d 685, 688 (9th Cir. 1988)
- Benny v. Pipes, 799 F.2d 489, 492 (9th Cir. 1986)
- Benshoof v. Chin, C24-cv-808, 2025 WL 1654674, at *3 (W.D. Wash. June 10, 2025)