

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Daniil Solovev v. Crafted by Joanna, LLC, et al.

No. 25-2268-KHV (D. Kan. Dec. 17, 2025) · No. 25-2268-KHV · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Kansas partially adopted a recommendation to dismiss claims for failure to timely serve defendants under Federal Rule of Civil Procedure 4(m). The court allowed the action to proceed against Crafted by Joanna, LLC, but dismissed without prejudice the claims against Agneta Rusyte, Aleksandra Kinshina, and Laura Cortes.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Kathryn H. Vratil
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 17, 2025
DOCKET	25-2268-KHV
DISPOSITION	affirmed_in_part_reversed_in_part
PROCEDURAL POSTURE	Plaintiff filed suit for copyright infringement. Magistrate Judge recommended dismissal for failure to serve defendants. District court adopted recommendation in part, dismissing as to unserved defendants and allowing case to proceed as to one defendant.
PRECEDENTIAL VALUE	unknown

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

- Whether plaintiff's failure to timely serve defendants warrants dismissal under Rule 4(m) of the Federal Rules of Civil Procedure.

HOLDINGS

1. The Court overrules the Magistrate Judge's recommendation to dismiss Crafted by Joanna, LLC, allowing the case to proceed against it because plaintiff sent service by certified mail before the extended deadline, though it was received one day late.
2. The Court adopts the Magistrate Judge's recommendation and dismisses without prejudice the case against Agneta Rusyte, Aleksandra Kinshina, and Laura Cortes because plaintiff failed to show good cause or any attempt at service by the extended deadline.

FACTUAL BACKGROUND

Daniil Solovev filed a copyright infringement complaint against Crafted by Joanna, LLC, Agneta Rusyte, Aleksandra Kinshina, and Laura Cortes. The service deadline was extended to October 15, 2025. Plaintiff sent summons and complaint to Crafted by Joanna by certified mail on October 10, 2025, which was received on October 16, 2025, one day after the deadline. No evidence showed service attempts on the other defendants.

PROCEDURAL HISTORY

Plaintiff filed complaint on May 19, 2025. Magistrate Judge extended service deadline to October 15, 2025. Magistrate Judge recommended dismissal without prejudice for failure to timely serve defendants. Plaintiff filed objection. District court adopted recommendation in part, sustaining objection as to Crafted by Joanna, LLC, overruling objection as to remaining defendants, and dismissing without prejudice as to Agneta Rusyte, Aleksandra Kinshina, and Laura Cortes.

DISPOSITION

affirmed_in_part_reversed_in_part

CASES CITED

- James v. Wadas, 724 F.3d 1312 (10th Cir. 2013)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836 (10th Cir. 2005)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS DANIIL SOLOVEV,)) Plaintiff,) CIVIL ACTION) v.) No. 25-2268-KHV) CRAFTED BY JOANNA, LLC, et al.,)) Defendants.) _____) MEMORANDUM AND ORDER On May 19, 2025, Daniil Solovev filed suit against Crafted by Joanna, LLC, Agneta Rusyte, Aleksandra Kinshina and Laura Cortes.

See Complaint For Copyright Infringement (Doc. #1). On September 18, 2025, at plaintiff's request, Magistrate Judge Angel D. Mitchell extended until October 15, 2025, the deadline for plaintiff to serve defendants. On October 29, 2025, Judge Mitchell recommended that the Court dismiss this action without prejudice based on plaintiff's failure to timely serve defendants.

Report And Recommendation (Doc. #12). This matter is before the Court on Plaintiff's Objection To Report And Recommendation (Doc. #13) filed November 13, 2025. For reasons stated below, the Court adopts Judge Mitchell's recommendation in part, allows the case to proceed against Crafted by Joanna and dismisses the case without prejudice as to the remaining defendants.

Legal Standards Under Rule 4(m) of the Federal Rules of Civil Procedure, plaintiff had 90 days from filing the complaint to serve defendants with the summons and complaint. If plaintiff has not timely served defendants, the Court may dismiss the action without prejudice or order that plaintiff effect service within a specified time. Fed. R. Civ. P. 4(m). If plaintiff shows good cause for the failure to serve defendant within 90 days, the Court will extend the time for service.

Id. Absent a showing of good cause, the Court may still grant a permissive time extension or dismiss the case without prejudice. See id. The Court affords a pro se plaintiff some leniency and liberally construes his filings. See *James v. Wadas*, 724 F.3d 1312, 1315 (10th Cir. 2013).

Although the Court holds a pro se litigant's filings to a less stringent standard than formal pleadings drafted by attorneys, a pro se party must follow the same rules of procedure as all other litigants. See *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005). Analysis Judge Mitchell recommended dismissal because the record did not reflect service on any defendant by the extended deadline of October 15, 2025.

Report And Recommendation (Doc. #12) at 2. Plaintiff argues that he completed service by certified mail on one of the defendants at 1413 Dean Avenue in Junction City, Kansas. Plaintiff does not explain which defendant he served, but it appears that Crafted by Joanna has a store at that address. Plaintiff sent the summons and complaint on October 10, 2025, which was five days before Judge Mitchell's deadline.

See U.S. Postal Service Certified Mail Receipt (Doc. #13-1) filed November 13, 2025. Crafted by Joanna apparently received the summons and complaint on October 16, 2025, one day after the deadline. See id. The Court therefore rejects Judge Mitchell's recommendation to dismiss Crafted by Joanna.¹ As to the remaining defendants, plaintiff has not shown good cause for failure to serve

¹ In doing so, the Court does not determine whether service on Crafted by Joanna was sufficient under Rule 4 of the Federal Rules of Civil Procedure.

If appropriate, Crafted by Joanna may raise this issue in a motion to dismiss. -2- them by the extended deadline of October 15, 2025. Despite one permissive extension of time, plaintiff has not shown that he even tried to serve the remaining defendants or explain why he did not attempt to do so.

The Court therefore declines to grant plaintiff an additional extension of time as to the unserved defendants. IT IS THEREFORE ORDERED that Magistrate Judge Angel D. Mitchell's Report And Recommendation (Doc. #12) filed October 29, 2025 is ADOPTED in part.

The Court adopts Judge Mitchell's recommendation to dismiss Agneta Rusyte, Aleksandra Kinshina and Laura Cortes. The Court overrules Judge Mitchell's recommendation to dismiss Crafted by Joanna, LLC. IT IS FURTHER ORDERED that Plaintiff's Objection To Report And Recommendation (Doc. #13) filed November 13, 2025 is SUSTAINED in part.

The Court sustains plaintiff's objection as to Crafted by Joanna, LLC and otherwise overrules his objection. IT IS FURTHER ORDERED that under Rule 4(m) of the Federal Rules of Civil Procedure, the Court dismisses without prejudice plaintiff's Complaint For Copyright Infringement (Doc. #1) filed May 19, 2025 against Agneta Rusyte, Aleksandra Kinshina and Laura Cortes.

Dated this 17th day of December, 2025 at Kansas City, Kansas. s/ Kathryn H. Vratil KATHRYN H. VRATIL United States District Judge -3-