

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Visconti v. Pinto

Visconti v. Pinto · No. Civil Action No. 25-cv-00746 (JMC) · Decided November 21, 2025

SUMMARY

The United States District Court for the District of Columbia dismissed Maha Visconti’s action against multiple defendants. The court treated Visconti’s notices as voluntary dismissals of claims against several defendants and dismissed the remaining claims against Albert Gregory Pinto without prejudice for failure to effect service under Federal Rule of Civil Procedure 4(m) and D.C. Local Civil Rule 83.23. The court denied the motion to dismiss filed by Judge Elaine W. Mandel and Emily Sam as moot and directed the Clerk to terminate the case.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Jia M. Cobb
JURISDICTION	United States District Court for the District of Columbia
DECIDED	November 21, 2025
DOCKET	Civil Action No. 25-cv-00746 (JMC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se federal action asserting tort and civil-rights claims arising from California state-court litigation. Defendants Mandel and Sam moved to dismiss under Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6). Plaintiff voluntarily dismissed claims against Mandel and Sam, indicated that she intended to proceed only against Pinto, failed to serve Pinto or the remaining defendants, and failed to substantively respond to the Court's show-cause order.
STANDARD OF REVIEW	For failure to effect service under Federal Rule of Civil Procedure 4(m), the court may dismiss without prejudice after notice to the plaintiff unless the plaintiff shows good cause, in which event the court must extend the service period.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the source.

PARTIES

Maha Visconti v. Albert Gregory Pinto, Elaine W. Mandel, Emily Sam, Eric Khodadian, Superior Court of California, County of Los Angeles, 50 Doe Defendants

TOPICS

service of process default civil procedure motions to dismiss

PRACTICE AREAS

civil procedure civil rights torts

QUESTIONS PRESENTED

1. Whether Plaintiff's notices of voluntary dismissal dismissed her claims against Mandel, Sam, Khodadian, and the Doe defendants under Federal Rule of Civil Procedure 41(a)(1).
2. Whether the claims against Pinto should be dismissed without prejudice for failure to effect service within the period required by Federal Rule of Civil Procedure 4(m).
3. Whether Mandel and Sam's motion to dismiss should be denied as moot after Plaintiff voluntarily dismissed her claims against them.

HOLDINGS

1. Plaintiff voluntarily dismissed her claims against Mandel and Sam under Federal Rule of Civil Procedure 41(a)(1), so the Court dismissed those claims and denied Mandel and Sam's motion to dismiss as moot.
2. Plaintiff dismissed her claims against Khodadian and the Doe defendants under Rule 41(a) because those defendants had not been served or responded, and Plaintiff's notice stated that she intended to proceed only against Pinto.
3. The Court dismissed Plaintiff's claims against Pinto without prejudice for failure to effect service within 90 days, because more than 250 days had elapsed, Plaintiff had not served Pinto, and she had not shown good cause for another extension.

KEY QUOTATIONS

"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 . . . or order that service be made within a specified time." (at 4)

"It is further ORDERED that the Court hereby DISMISSES this matter in full, and the Clerk of Court is DIRECTED to TERMINATE this case." (at 5)

FACTUAL BACKGROUND

Plaintiff, who was incarcerated in California, sued parties connected to litigation in the Superior Court of Los Angeles County and federal court. She alleged that Judge Elaine W. Mandel, the judge's assistant Emily Sam, Plaintiff's former attorney Albert Gregory Pinto, Pinto's attorney Eric Khodadian, and others committed torts, violated her rights, and conspired to affect the litigation. Plaintiff never served the defendants, despite receiving summonses and multiple extensions and warnings from the Court.

PROCEDURAL HISTORY

Visconti filed the action on March 14, 2025, and paid the filing fee. The Clerk issued and reissued summonses, but Plaintiff did not serve the defendants. After Plaintiff failed to respond to the motion to dismiss, the Court extended her response deadline and later issued a show-cause order concerning failure to prosecute and failure to effect service. Plaintiff filed notices of voluntary dismissal concerning Mandel and Sam and stated that she intended to pursue only Pinto. The Court dismissed the claims against Mandel, Sam, Khodadian, and the Doe defendants under Rule 41(a), denied Mandel and Sam's motion as moot, and dismissed the claims against Pinto for failure to effect service under Rule 4(m) and D.C. Local Civil Rule 83.23.

DISPOSITION

dismissed

CASES CITED

- Pinto v. Visconti, 25-cv-293 (JMC) (D.D.C. Jan. 31, 2025), minute order entered Feb. 14, 2025
- Wade v. Kerner, No. 21-cv-2396 (GMH), 2022 WL 782414, at *2 (D.D.C. Mar. 15, 2022)

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