

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Rex S. Gunther v. Patty Washburn, et al.

No. 4:26-cv-00272-JMD (E.D. Mo. Mar. 2, 2026) · No. 4:26-cv-00272-JMD · Decided March 2, 2026

SUMMARY

The court addresses service of process after plaintiff paid the full filing fee in a civil action. The order describes three service options, requires service within the applicable deadline, and warns that failure to timely serve defendants may result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Joshua M. Divine
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	March 2, 2026
DOCKET	4:26-cv-00272-JMD
DISPOSITION	other
PROCEDURAL POSTURE	After plaintiff paid the full filing fee in this prisoner civil-rights action, the district court issued a memorandum and order addressing plaintiff's responsibility for serving defendants and setting a service deadline.
STANDARD OF REVIEW	The court applied the discretionary good-cause standard governing a request for service by a United States marshal or other court-appointed person under Federal Rule of Civil Procedure 4(c)(3).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Rex S. Gunther v. Patty Washburn, et al.

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Who was responsible for serving defendants after plaintiff paid the full filing fee?
2. What methods could plaintiff use to effect service under Federal Rule of Civil Procedure 4?
3. What showing was required for court-authorized service by a United States marshal or other specially appointed person?
4. What deadline governed service, and what consequence would follow from an untimely failure to serve?

HOLDINGS

1. Because plaintiff paid the full filing fee, plaintiff—not the court or the United States Marshals Service—was responsible for effecting service on defendants under Federal Rule of Civil Procedure 4.
2. The court has discretion to grant or deny a request under Federal Rule of Civil Procedure 4(c)(3) for service by a United States marshal, deputy marshal, or specially appointed person, and plaintiff must show good cause for such relief.
3. Plaintiff was required to effect service no later than 90 days after the complaint was filed or 30 days after the order, whichever was later; absent good cause, failure to timely serve would result in dismissal of the claims against the unserved defendants without prejudice.

KEY QUOTATIONS

“Because plaintiff paid the full filing fee, neither the Court nor the United States Marshal Service must perform service of process.” (1)

“The Court has “discretion” to grant or deny this motion.” (1)

“failure to timely serve said defendants shall result in the dismissal of plaintiff’s claims as to said defendants without prejudice.” (2)

FACTUAL BACKGROUND

Plaintiff paid the full \$405 filing fee. Because he paid the full fee, the court determined that plaintiff was responsible for serving the defendants and explained methods for service by private process server, waiver, or court-authorized marshal service.

PROCEDURAL HISTORY

Plaintiff paid the full \$405 filing fee. The court therefore directed that plaintiff, rather than the court or the United States Marshals Service, arrange service under Federal Rule of Civil Procedure 4, while describing available service options and setting a deadline.

DISPOSITION

other

CASES CITED

- *Yates v. Baldwin*, 633 F.3d 669, 672 (8th Cir. 2011)
- *Christians v. Hanvey*, 4:23-CV-04137-LLP, 2024 WL 5293192, at *2 (D. S.D. Dec. 11, 2024)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-mis/2026/rex-s-gunther-v-patty-washburn-et-al-gfo4ttc8>