

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

Jack K. Lewis III v. The Walt Disney Company, et al.

Lewis · No. 4:25-cv-1894-MTS · Decided March 26, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri grants pro se Plaintiff Jack K. Lewis III's motion for an extension of time to serve the defendants under Federal Rule of Civil Procedure 4(m). The Court finds good cause based on the plaintiff's diligence and extends the service deadline to April 21, 2026, warning that failure to timely serve any defendant 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	T. Schelp
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	March 26, 2026
DOCKET	4:25-cv-1894-MTS
DISPOSITION	other
PROCEDURAL POSTURE	The pro se plaintiff moved for an extension of time to serve the defendants under Federal Rule of Civil Procedure 4(m).
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 4(m), the court must extend the service period when the plaintiff shows good cause for untimely service; good cause generally requires facts demonstrating diligence in attempting service.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive value only

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff showed good cause under Federal Rule of Civil Procedure 4(m) for an extension of the service deadline.
2. Whether Plaintiff's pro se status and efforts to locate a process server justified extending the deadline.
3. Whether the service deadline should be extended despite Plaintiff's failure to obtain properly completed summonses.

HOLDINGS

1. Plaintiff demonstrated good cause because he sought additional time before the deadline and provided nonconclusory facts showing diligence in attempting to complete service.
2. A plaintiff seeking a Rule 4(m) extension must provide facts, rather than merely conclusory assertions, demonstrating diligence in attempting service.
3. Plaintiff's pro se status does not excuse a failure to exercise diligence or comply timely with service-of-process rules.

KEY QUOTATIONS

"Generally, for purposes of Rule 4(m), 'good cause' requires some showing of diligence on the part of the plaintiffs."

"[I]f a plaintiff shows good cause for untimely service, then the court must extend the period for service."

FACTUAL BACKGROUND

Plaintiff had not yet served Defendants and had been ordered to complete service by March 31, 2026. He sought an extension before the deadline, represented that multiple process servers had declined to assist him, and stated that he was working with Missouri Process Serving. The Court also noted that Plaintiff had not presented properly completed summonses to the Clerk of Court.

PROCEDURAL HISTORY

The Court previously ordered Plaintiff to serve Defendants by March 31, 2026. Before that deadline expired, Plaintiff filed a request for additional time, which the Court construed as a motion for extension. The Court granted the motion and extended the service deadline to April 21, 2026, warning that failure to timely serve any Defendant could result in dismissal without prejudice as to that Defendant.

DISPOSITION

other

CASES CITED

- Attkisson v. Holder, 925 F.3d 606, 627 (4th Cir. 2019)
- Hartis v. Chi. Title Ins. Co., 694 F.3d 935, 948 (8th Cir. 2012)
- Wright v. First Student, Inc., 710 F.3d 782, 783 (8th Cir. 2013) (per curiam)
- Myers v. Amrut Fusion LLC, 4:25-cv-0209-MTS, 2025 WL 1555357, at *1 n.* (E.D. Mo. June 2, 2025)
- Halvorsen v. Quantum Fin. & Bus. Intel., 4:24-cv-1497-MTS, ECF No. 6 (E.D. Mo. Mar. 5, 2025)
- Hurtado v. 7-Eleven, Inc., 508 F. App'x 564, 565 (7th Cir. 2013)
- Troxell v. Fedders of N. Am., Inc., 160 F.3d 381, 383 (7th Cir. 1998)
- Taylor v. Caplan, 4:24-cv-1303-MTS, 2025 WL 26683, at *1 (E.D. Mo. Jan. 3, 2025)
- Lau v. Klinger, 46 F. Supp. 2d 1377, 1380–81 (S.D. Ga. 1999)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION JACK K. LEWIS III,)) Plaintiff,)) v.) No. 4:25-cv-1894-MTS) THE WALT DISNEY COMPANY, et al.,)) Defendants.)) MEMORANDUM AND ORDER Over a month ago, the Court ordered pro se Plaintiff Jack K. Lewis III to comply with Rule 4(m) of the Federal Rules of Civil Procedure by serving Defendants no later than March 31, 2026.

Doc. [3]. Now before the Court is Plaintiff's filing that the Court construes as a Motion for Extension of Time to do so. Doc. [5]. Upon review and consideration, the Court determines that Plaintiff has shown good cause for the requested extension given his diligence in attempting to meet the deadline. *Attkisson v. Holder*, 925 F.3d 606, 627 (4th Cir. 2019) ("Generally, for purposes of Rule 4(m), 'good cause' requires some showing of diligence on the part of the plaintiffs."); cf. *Hartis v. Chi.*

Title Ins. Co., 694 F.3d 935, 948 (8th Cir. 2012) (explaining, in another context, that the primary measure of "good cause" is the movant's diligence in attempting to meet the deadline). For that reason, the Court will grant the extension. *Wright v. First Student, Inc.*, 710 F.3d 782, 783 (8th Cir. 2013) (per curiam) ("[I]f a plaintiff shows good cause for untimely service, then the court must extend the period for service.").

First, Plaintiff has sought additional time prior to the expiration of the service deadline. See *Myers v. Amrut Fusion LLC*, 4:25-cv-0209-MTS, 2025 WL 1555357, at *1 n.* (E.D. Mo. June 2, 2025). Second, Plaintiff represents that he has reached out to multiple process servers that declined to assist, and that he currently is "working with" one he identifies as Missouri Process Serving.

Doc. [5]. The Court finds that he has provided more-than-conclusory representations that he has been diligent in attempting to complete service within the required time. See *Halvorsen v. Quantum Fin. & Bus. Intel.*, 4:24-cv- 1497-MTS, ECF No. 6 (E.D. Mo. Mar. 5, 2025) (finding that, to show good cause, a plaintiff must provide facts, not merely conclusory representations, to

demonstrate his diligence in attempting service).^{*} The Court will provide Plaintiff with an additional twenty-one days to complete service in this matter and file proof of such service.

Thus, he will be required to serve all Defendants no later than April 21, 2026. Though Plaintiff is pro se, the Court will not extend this deadline any further without a showing by Plaintiff of his continued diligence to complete valid service. See *Hurtado v. 7-Eleven, Inc.*, 508 F. App'x 564, 565 (7th Cir. 2013) (noting a plaintiff's pro se status does "not excuse him" from "exercising [] diligence and timely complying with service-of-process rules"). ^{*} Cutting against the finding of diligence is Plaintiff's failure to have taken the important step of presenting properly completed summonses to the Clerk of Court.

See Fed. R. Civ. P. 4(b). Although a defendant may formally (or informally) waive service, it has no obligation to do so. See *Troxell v. Fedders of N. Am., Inc.*, 160 F.3d 381, 383 (7th Cir. 1998). And if Defendants do not waive service here, Plaintiff cannot properly serve them without obtaining signed and sealed summonses. Of course, if Defendants should decline to waive service, that mere declination will not constitute good cause to further extend the service deadline.

See *Taylor v. Caplan*, 4:24-cv- 1303-MTS, 2025 WL 26683, at *1 (E.D. Mo. Jan. 3, 2025); *Lau v. Klinger*, 46 F. Supp. 2d 1377, 1380–81 (S.D. Ga. 1999) (Nangle, J.). Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time, Doc. is GRANTED. Plaintiff shall serve Defendants in this matter, and file proof of such service, no later than Tuesday, April 21, 2026.

If Plaintiff fails to timely do so, the Court will dismiss this action without prejudice as to any unserved Defendant. Dated this 26th day of March 2026. Th T. SCHELP UNITED STATES DISTRICT JUDGE