

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Pankaj J. Patel v. Kristi Noem, Secretary DHS, et al.

Patel · No. 3:25-01374 · Decided May 7, 2026

SUMMARY

This Report and Recommendation addresses the pro se plaintiff's failure to serve the defendants within the period required by Federal Rule of Civil Procedure 4(m) and failure to respond to a show-cause order. The magistrate judge recommends dismissal without prejudice under Rule 4(m), and alternatively notes the court's authority to dismiss for failure to prosecute under Rule 41(b).

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Jeffery S. Frensley
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	May 7, 2026
DOCKET	3:25-01374
DISPOSITION	remanded
PROCEDURAL POSTURE	Report and recommendation in a pro se action seeking relief under 28 U.S.C. § 1331, 5 U.S.C. § 702, the Fifth Amendment, and Federal Rule of Civil Procedure 65(b); the magistrate judge recommended sua sponte dismissal without prejudice for failure to serve the defendants within the time required by Rule 4(m).
STANDARD OF REVIEW	The report and recommendation was subject to de novo consideration of timely, particular objections under Federal Rule of Civil Procedure 72(b); the recommendation applied Rule 4(m)'s service deadline and Rule 41(b)'s failure-to-prosecute principles.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Pankaj J. Patel v. Kristi Noem, Secretary DHS, et al.

TOPICS

service of process

civil procedure

immigration

PRACTICE AREAS

civil procedure

immigration

administrative law

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to serve the defendants within the ninety-day period required by Federal Rule of Civil Procedure 4(m).
2. Whether Plaintiff's failure to respond to the show-cause order and failure to prosecute independently supported dismissal under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. Because Defendants were not served within the period prescribed by Rule 4(m) and Plaintiff made no showing of good cause, dismissal without prejudice was warranted and should be recommended to the district judge.
2. Plaintiff's failure to respond to the show-cause order and failure to prosecute also supported dismissal under the court's inherent docket-management authority and Rule 41(b).

KEY QUOTATIONS

"Rule 4(m) requires that the defendants be served with process within 90 days of the date this action was filed and provides that, in the absence of a showing of good cause by the plaintiff for why service has not been timely made, the Court "must dismiss" the action without prejudice."

"For the reasons set forth above, the undersigned RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE in accordance with Rule 4(m) of the Federal Rules of Civil Procedure."

FACTUAL BACKGROUND

Plaintiff filed a pro se action against federal defendants but did not serve them within ninety days after filing. The Court expressly advised him of his obligation to effect service under Rule 4 and warned that failure to do so could result in dismissal. After the Court issued a show-cause order requesting the status of service, Plaintiff filed nothing and did not show good cause for the failure to serve.

PROCEDURAL HISTORY

Plaintiff filed the action on November 25, 2025. The case was referred to the magistrate judge for pretrial proceedings, and Plaintiff was warned that he was responsible for service under Federal Rule of Civil Procedure 4 and that failure to complete service could result in dismissal. After the Court issued a show-cause order concerning the status of service on April 10, 2026, Plaintiff filed nothing. The magistrate judge recommended dismissal without prejudice under Rule 4(m), subject to the parties' fourteen-day objection period.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The magistrate judge recommended that the district court dismiss the action without prejudice under Rule 4(m). The recommendation advised that objections be filed within fourteen days and that the Plaintiff could use that period to show good cause why dismissal should not occur. This was a report and recommendation, not a final dismissal order.

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626 (1961)
- Carter v. City of Memphis, Tennessee, 636 F.2d 159, 161 (6th Cir. 1980)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION PANKAJ J. PATEL,)) Plaintiff,)) Civil Action No. 3:25-01374 v.) Judge Crenshaw/Frensley) KRISTI NOEM, SECRETARY) DHS, ET AL) Defendants.) REPORT AND RECOMMENDATION Pro se Plaintiff, Pankaj Patel, filed this action on November 25, 2025, seeking relief under 28 U. S. C. § 1331, 5 U. S. C. § 702; the Fifth Amendment and Federal Rules of Civil Procedure 65(b).

Docket No. 1. By Order entered December 1, 2025, (Docket Entry No. 7), the Court referred this action to the Magistrate Judge for pretrial proceedings under 28 U. S. C. § 636(b)(1)(A) and (B), Rule 72(b) of the Federal Rules of Civil Procedure, and the Local Rules of Court.

In the referral Order, the Court specifically advised the Plaintiff that “he is responsible for effecting service of process on Defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.” Id. Plaintiff was further warned that failure to complete service of process for Defendant could result in dismissal of this action. Id. On April 10, 2026, the Court filed a Show Cause Order in this matter requesting the Plaintiff file a notice with the Court advising of the status of service on the Defendants in this matter.

Docket No. 8. To date the Plaintiff has filed nothing. Rule 4(m) requires that the defendants be served with process within 90 days of the date this action was filed and provides that, in the absence of a showing of good cause by the plaintiff for why service has not been timely made, the Court "must dismiss" the action without prejudice.

Because Defendants in this case have not been served with process within the time period set out in Rule 4(m), this action should be dismissed. It is also well settled that Federal trial courts have

the inherent power to manage their own dockets, *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1961), and Rule 41(b) of the Federal Rules of Civil Procedure permits the Court to dismiss an action upon a showing of a clear record of delay, contumacious conduct, or failure to prosecute by the plaintiff.

See *Carter v. City of Memphis, Tennessee*, 636 F. 2d 159, 161 (6th Cir. 1980).
RECOMMENDATION For the reasons set forth above, the undersigned RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.¹ ANY OBJECTIONS to this Report and Recommendation must be filed within fourteen (14) days of service of this Report and Recommendation and must state with particularity the specific portions of this Report and Recommendation to which objection is made.

See Rule 72(b)(2) of the Federal Rules of Civil Procedure and Local Rule 72.02(a). Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981). Any response to the objections must be filed within fourteen (14) days after service of objections.

See Federal Rule 72(b)(2) and Local Rule 72.02(b). 1 This Report and Recommendation provides notice to Plaintiff of the Court's intention to sua sponte dismiss the action, and the fourteen-day period for filing objections provides him with the opportunity to show good cause why the action should not be dismissed. JEFFERY S. FRENSLEY S United States Magistrate Judge