

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Nathuram Babalya Mane v. Joseph Edlow, Director, US Citizenship
and Immigration Services

Mane v. Edlow · No. Civil Action H-25-4735 · Decided February 10, 2026

SUMMARY

The court recommends dismissing Nathuram Babalya Mane’s case without prejudice because he failed to serve the defendant within the court-ordered period and did not show good cause. The recommendation relies on Federal Rule of Civil Procedure 4(m), cancels the scheduled conference, and provides fourteen days for objections.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Peter Bray
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	February 10, 2026
DOCKET	Civil Action H-25-4735
DISPOSITION	other
PROCEDURAL POSTURE	Memorandum and recommendation by a federal magistrate judge recommending dismissal without prejudice for failure to serve the defendant.
PRECEDENTIAL VALUE	unknown
PARTIES	Nathuram Babalya Mane v. Joseph Edlow, Director, US Citizenship and Immigration Services

TOPICS

- service of process
- civil procedure
- mandamus immigration
- immigration

PRACTICE AREAS

- civil procedure
- immigration

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to serve Defendant within the court-ordered period and did not show good cause.

HOLDINGS

1. When a plaintiff fails to serve a defendant within the time required by Federal Rule of Civil Procedure 4(m), fails to comply with a court order setting a service deadline, and does not show good cause, dismissal without prejudice is warranted.

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 against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”

FACTUAL BACKGROUND

Plaintiff filed a civil action seeking adjudication of an immigration-related matter. After the complaint was filed, the court ordered Plaintiff to serve Defendant by January 30, 2026. The docket contained no indication that Plaintiff attempted service or had good cause for failing to serve Defendant.

PROCEDURAL HISTORY

Plaintiff filed his complaint on October 3, 2025. The court ordered him on January 9, 2026, to serve Defendant by January 30, 2026, and warned that noncompliance would result in a recommendation of dismissal without prejudice. Plaintiff did not serve Defendant and did not show good cause for the failure.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 147-49 (1985)
- Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988)

OPINION

UNITED STATES DISTRICT COURT February 10, 2026 SOUTHERN DISTRICT OF TEXAS
Nathan Ochsner, Clerk HOUSTON DIVISION Nathuram Babalya Mane, § Plaintiff, § § v. § Civil
Action H-25-4735 § Joseph Edlow § Director, US Citizenship and § Immigration Services, §
Defendant. MEMORANDUM AND RECOMMENDATION The court recommends that this case
be DISMISSED without prejudice for failure to serve the Defendant.

Plaintiff Nathuram Babalya Mane filed his complaint on October 3, 2025. ECF No. 1. On January 9, 2026, the court ordered that Plaintiff shall serve the Defendant by January 30, 2026. ECF No. 8. The court stated in its order that failure to comply “will result in a recommendation that this case be dismissed without prejudice for failure to serve the defendant.” Id. Plaintiff did not comply.

There is no filing or other information on the docket indicating that Plaintiff attempted to serve Defendant. There is no filing or other information on the docket showing good cause for the failure. Under the federal rules, 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 against that defendant or order that service be made within a specified time.

But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. Fed. R. Civ. P. 4(m). The court ordered that service be made by January 30, 2026. ECF No. 8. Plaintiff has not complied.

Thus, pursuant to Rule 4(m), the court recommends that the case be DISMISSED without prejudice for failure to serve the defendant. The conference set for April 17, 2026, is CANCELED. The parties have fourteen days from service of this Memorandum and Recommendation to file written objections. 28 U.S.C. § 686(b)(1); Fed. R. Civ. P. 72. Failure to timely file objections will preclude appellate review of factual findings or legal conclusions, except for plain error.

See *Thomas v. Arn*, 474 U.S. 140, 147-49 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988). Signed at Houston, Texas on February 10, 2026. Peter Bray 7 United States Magistrate Judge