

**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

OPINION

Mane

PER CURIAM.

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

