

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
LOUISIANA

Jesse Kenneth Lee v. Tim Hooper, et al.

Civil Action No. 24-437-SDD-SDJ (M.D. La. Dec. 1, 2025) · No. Civil Action No. 24-437-SDD-SDJ · Decided
December 2, 2025

SUMMARY

The United States District Court for the Middle District of Louisiana quashed service on defendants Ramsey and Smith because summonses were left with an assistant warden rather than personally served, left at their residences, or delivered to authorized agents. Finding that the insufficient service was not the plaintiff’s fault, the court granted an additional 45 days for service and directed the U.S. Marshals Service to re-attempt service using specified methods.

CASE DETAILS

COURT	United States District Court for the Middle District of Louisiana
WRITING FOR THE COURT	Scott D. Johnson
JURISDICTION	United States District Court for the Middle District of Louisiana
DECIDED	December 2, 2025
DOCKET	Civil Action No. 24-437-SDD-SDJ
DISPOSITION	quashed
PROCEDURAL POSTURE	After summonses for defendants Ramsey and Smith were returned executed, the court reviewed the service returns sua sponte and considered whether service was sufficient.
STANDARD OF REVIEW	The court independently reviewed the sufficiency of service of process under Federal Rule of Civil Procedure 4(e).
PRECEDENTIAL VALUE	Unknown
PARTIES	Jesse Kenneth Lee v. Tim Hooper, et al.

TOPICS

- [service of process](#) [civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether service of process on defendants Ramsey and Smith was sufficient when the summonses were left with an assistant warden at the defendants' workplace.
2. Whether the court was required to extend the time for service because the insufficient service was not attributable to the plaintiff.

HOLDINGS

1. Service on Ramsey and Smith was insufficient because the summonses were left with an assistant warden at the defendants' workplace, without personal delivery, domiciliary delivery, or delivery to an authorized agent.
2. The court extended the time for service by 45 days because the insufficient service was not the plaintiff's fault.

KEY QUOTATIONS

“Service upon an individual through a nonauthorized agent for service of process at the individual's place of business is not a proper means of serving process under the Federal Rules of Civil Procedure”

“Rule 4 has generally been construed to mean that service at a defendant's place of employment is insufficient [when he is sued in his individual capacity].”

FACTUAL BACKGROUND

Summonses for defendants Ramsey and Smith were left with Assistant Warden Shannon Demars at the defendants' workplace. There was no evidence that Demars was authorized by either defendant to accept service. The summonses were not personally delivered to the defendants, left at their homes, or delivered to authorized agents.

PROCEDURAL HISTORY

Summonses for the remaining defendants, Ramsey and Smith, were returned executed on July 1, 2025. The defendants did not respond. The court determined that the summonses had been left with an assistant warden rather than personally served, left at the defendants' domiciles, or delivered to authorized agents. The court quashed service, extended the service period by 45 days, and directed the Clerk and United States Marshals Service to facilitate re-service.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The plaintiff was given an additional 45 days to serve Ramsey and Smith. The Clerk was directed to provide the Order to the United States Marshals Service, which was instructed to re-attempt service by serving the registered agent Rhonda Weldon at the Louisiana Department of Public Safety and Corrections, personally handing the summonses to the defendants, or leaving the summonses at the defendants' homes with a suitable resident of appropriate age and discretion.

CASES CITED

- Muhammad v. State of Louisiana, Nos. 99-3742 & 99-2694, 2000 WL 1511181, at *10 (E.D. La. Oct. 6, 2000)
- Smith v. Western Offshore, Inc., 590 F. Supp. 670, 674 (E.D. La. 1984)
- Carter v. City of Thibodaux, 2013 WL 5673570, at *2-*3 (E.D. La. 2013)
- Goodman v. Clark, 2010 WL 2838396, at *6-*10 (N.D. Ind. 2010)
- Laffey v. Plousis, 2008 WL 305289, at *5 (D.N.J. 2008)
- Elkins v. J.A. Broome, 213 F.R.D. 273, 276 (M.D.N.C. 2003)
- Melton v. Wiley, 262 F. App'x 921, 923 (11th Cir. 2008)
- Etris v. Snyder, 2012 WL 692811, at *3 (N.D. Ga. 2012)
- Daly-Murphy v. Winston, 837 F.2d 348, 355 (9th Cir. 1987)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA JESSE KENNETH LEE (#390352) CIVIL ACTION VERSUS 24-437-SDD-SDJ TIM HOOPER, ET AL. ORDER On July 1, 2025, summons for the remaining two defendants, Ramsey and Smith, were returned as executed. See R. Docs. 14 and 15.

The defendants failed to respond to the suit, which caused the Court to more closely inspect the service returns. The summons for both defendants were left with Assistant Warden Shannon Demars. As such, service on both defendants is not sufficient and shall be quashed. Pursuant to Federal Rule of Civil Procedure 4(e), service of summons upon an individual may be made in one of four ways: (1) following state law; (2) delivering a copy to the individual personally; (3) leaving a copy at the individual's dwelling or usual place of abode; or (4) delivering a copy to an agent authorized by appointment or by law.

Federal Rule of Civil Procedure 45(b) provides that serving a subpoena requires that a copy of the subpoena be delivered to the named person. The summons was not personally served upon either defendant, nor was it left at their home or place of abode. Domiciliary service cannot be made at one's place of work. See Muhammad v. State of Louisiana, No. 99-3742 & No. 99-2694, 2000 WL 1511181, n. 10 (E.D.

La. Oct. 6, 2000); Smith v. Western Offshore, Inc., 590 F. Supp. 670, 674 (E.D. La. 1984) ("Service upon an individual through a nonauthorized agent for service of process at the

individual's place of business is not a proper means of serving process under the Federal Rules of Civil Procedure”). Nor was the summons delivered to either defendant’s authorized agent.

Service on a police department, other officers, or police station staff is generally insufficient to effect service on a police officer sued in his individual capacity. *Carter v. City of Thibodaux*, 2013 WL 5673570, *2– 3 (E.D. La.2013); *Goodman v. Clark*, 2010 WL 2838396, *6–10 (N.D. Ind. 2010); *Laffey v. Plousis*, 2008 WL 305289, *5 (D.N.J.2008) citing *Elkins v. J.A.*

Broome, 213 F.R.D. 273, 276 (M.D. N.C. 2003); *Melton v. Wiley*, 262 F. App'x 921, 923 (11th Cir. 2008); *Etris v. Snyder*, 2012 WL 692811, *3 (N.D. Ga. 2012). See also *Daly–Murphy v. Winston*, 837 F.2d 348, 355 (9th Cir. 1987) (“Rule 4 has generally been construed to mean that service at a defendant's place of employment is insufficient [when he is sued in his individual capacity].”).

Similarly, service on a prison, other correctional officers, or prison staff is not sufficient to effect service on a prison employee sued in his individual capacity. There is no evidence to suggest that either defendant appointed Assistant Warden Demars to accept service on his behalf.

Accordingly, the service on both defendants is insufficient. However, if good cause exists, then the Court must extend the time period for service of process. Here, the insufficient service is not the fault of the plaintiff.

As such the Court will extend the time for service and provide further instruction to the USM. Accordingly, IT IS ORDERED that the insufficient service on defendants Ramsey and Smith is QUASHED. IT IS FURTHER ORDERED that the plaintiff shall have an additional 45 days to serve the defendants. IT IS FURTHER ORDERED that the Clerk of Court shall deliver a copy of this Order to the USM.

IT IS FURTHER ORDERED that the USM shall re-attempt to serve these defendants by one of the following methods: (1) serving the defendants’ registered agent, Rhonda Weldon, at the Louisiana Department of Public Safety and Corrections; (2) personally handing the summons to the defendants themselves at work, home, or wherever found; or (3) by leaving the summons at the homes of the defendants with a person of suitable age and discretion who resides there.

Signed in Baton Rouge, Louisiana, on December 1, 2025. Sc hingdr— SCOTT D. JOHNSON
UNITED STATES MAGISTRATE JUDGE