

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Ricky Carl Barnes v. Troy Meink, et al.

Barnes · No. CV-25-04815-PHX-KML · Decided February 4, 2026

SUMMARY

The United States District Court for the District of Arizona addresses alleged deficiencies in service of process by plaintiff Ricky Carl Barnes. The court orders Barnes to file proofs showing that a nonparty served the complaint and summons, or provide a declaration from the nonparty who made the prior mailings, by March 27, 2026; otherwise, defendants in the United States may be terminated under Federal Rule of Civil Procedure 4(m).

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 4, 2026
DOCKET	CV-25-04815-PHX-KML
DISPOSITION	other
PROCEDURAL POSTURE	After the United States Attorney's Office filed a notice of imperfect service, the district court reviewed Plaintiff's certificates and affidavit of service and ordered Plaintiff to file proofs showing service by a nonparty.
PRECEDENTIAL VALUE	Unpublished district court order; no precedential status identified in the source.
PARTIES	Ricky Carl Barnes v. Troy Meink, et al.

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- administrative procedure
- military law

QUESTIONS PRESENTED

1. Whether Plaintiff's attempted service was proper when the record did not establish that executed summonses were included in the mailings.
2. Whether service complied with Federal Rule of Civil Procedure 4(c)(2) when Plaintiff personally mailed the complaint and summons.

HOLDINGS

1. Service of the summons and complaint is improper under Rule 4(c)(2) when performed personally by the plaintiff rather than by a person at least 18 years old who is not a party.
2. The existing record did not permit the court to determine whether the prior mailings included proper, executed summonses; Plaintiff therefore was required to clarify the contents of the mailings through proper proofs or a nonparty declaration.

KEY QUOTATIONS

“According to Rule 4(c), “[a]ny person who is at least 18 years old and not a party may serve a summons and complaint.”” (at 1)

“IT IS ORDERED no later than March 27, 2026, plaintiff shall file proofs that service of the complaint and summons was completed by a nonparty.” (at 2)

FACTUAL BACKGROUND

Barnes attempted to serve the defendants by certified United States mail and filed certificates of service. The United States Attorney's Office stated that it received a copy of the complaint but not an executed summons. The record also indicated that Barnes may have personally mailed the documents.

PROCEDURAL HISTORY

Barnes filed certificates stating that he mailed the complaint and summons to the United States Attorney's Office, the United States Attorney General, the Secretary of the Air Force, and the Air Force Board for Correction of Military Records. The United States Attorney's Office reported that it received the complaint but not an executed summons. The court also determined that Barnes appeared to have personally made the mailings, which would not satisfy Federal Rule of Civil Procedure 4(c)(2), and ordered new proofs of service or a declaration from the nonparty who made the mailings.

DISPOSITION

other

CASES CITED

- Constien v. United States, 628 F.3d 1207, 1217 (10th Cir. 2010)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Ricky Carl Barnes, No. CV-25-04815-PHX-KML 10 Plaintiff, ORDER 11 v. 12
Troy Meink, et al., 13 Defendants. 14 15 Plaintiff Ricky Carl Barnes filed certificates of service
stating “the Complaint and 16 Summons[] were sent Certified United State[s] Mail” to the United
States Attorney’s 17 Office for the District of Arizona (USAO), the United States Attorney
General, the 18 Secretary of the Air Force, and the Air Force Board for Correction of Military
Records.

19 (Docs. 8-11.) On February 2, 2026, the USAO filed a “Notice of Imperfect Service.” (Doc. 20
20.) According to that notice, the USAO “received a copy of the complaint but did not 21 receive
an executed copy of the summons.” (Doc. 20.) Based on the allegedly missing 22 summons, the
USAO states it “has not been properly served.” (Doc. 20 at 1.)

The USAO 23 requests the court “set a deadline for Plaintiff to serve the summons and
complaint.” (Doc. 24 20 at 1.) 25 The court previously set March 27, 2026, as the deadline for
Barnes to file proofs 26 of service. (Doc. 7.) If the mailings Barnes already made did not include
proper 27 summonses, proper service has not occurred. But the present record does not allow the
28 || court to determine if summons were included.!

2 However, there is another flaw that requires Barnes to take action, and that action || will allow
him to clarify the content of the original mailings, if appropriate. It appears 4|| Barnes personally
mailed the original complaint and summons to the various addresses. || According to Rule 4(c),
“[a]ny person who is at least 18 years old and not a party may 6 || serve a summons and
complaint.” Fed.

R. Civ. P. 4(c)(2) (emphasis added); see also 7\ Constien v. United States, 628 F.3d 1207, 1217
(10th Cir. 2010) (service improper because 8 || mailings were done by plaintiff herself, “not by a
nonparty, as required by Rule 4(c)’). 9|| Therefore, Barnes must file new proofs indicating proper
service by a nonparty or, alternatively, Barnes may file a declaration from the nonparty who made
the previous |) mailings attesting to the inclusion of summonses.

12 IT IS ORDERED no later than March 27, 2026, plaintiff shall file proofs that 13 || service of
the complaint and summons was completed by a nonparty. If additional proofs of service are not
filed by March 27, 2026, the Clerk of Court shall terminate without 15} further notice any
defendant in the United States pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

17 Dated this 4th day of February, 2026. 18 20 me Honorable Krissa M. Lanham 21 United States
District Judge 22 23 24 25 26 27 ' On February 3, 2026, Barnes filed an “Affidavit of Service” that
includes an unexecuted 28 copy of the summons. (Doc. 21.)

To be effective, Barnes must ensure he sends summonses that have been signed by the Clerk of
Court. -2-

