

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

Gregory Ryan Webb v. Deputy f/n/u Powers, et al.

No. 2:23-cv-65 · No. 2:23-cv-65 · Decided February 17, 2026

SUMMARY

The court denied Plaintiff Gregory Ryan Webb’s motions seeking a filing-fee refund, an extension of time to serve defendants, and other relief. It dismissed the action without prejudice under Federal Rule of Civil Procedure 4(m) because Webb failed to establish proper service of process and did not show that a further extension was warranted.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Cookeville Division
WRITING FOR THE COURT	Waverly D. Crenshaw Jr.
JURISDICTION	United States District Court for the Middle District of Tennessee, Cookeville Division
DECIDED	February 17, 2026
DOCKET	2:23-cv-65
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights action under 42 U.S.C. § 1983 and amended his complaint several times. After plaintiff failed to establish proper service on any defendant, the court ordered him to show cause why the action should not be dismissed under Federal Rule of Civil Procedure 4(m).
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 4(m), the court must dismiss without prejudice or order service within a specified time when a defendant is not timely served, subject to a mandatory extension for good cause and a discretionary extension when appropriate. The court considered the seven discretionary-extension factors identified by the Sixth Circuit in United States v. Oakland Physicians Medical Center, LLC.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court

PARTIES

Gregory Ryan Webb v. Deputy f/n/u Powers, et al.

TOPICS

service of process

civil procedure

personal jurisdiction

section 1983

PRACTICE AREAS

civil procedure

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the court should grant plaintiff a further extension of time to serve defendants under Federal Rule of Civil Procedure 4(m).
2. Whether the action should be dismissed without prejudice for failure to effect service of process.
3. Whether plaintiff was entitled to a refund of the filing fee so that he could proceed in forma pauperis.

HOLDINGS

1. A further discretionary extension was not warranted because plaintiff did not establish good cause or provide sufficient equitable grounds for extending the service deadline after repeated notice, prior additional latitude, and failure to document effective service.
2. The action was dismissed without prejudice because plaintiff failed to effect service of process on any defendant in accordance with the Federal Rules of Civil Procedure.
3. Plaintiff was not entitled to a refund of the filing fee because he voluntarily paid the fee and did not allege that it was collected without authority or because of clerical administrative error.

KEY QUOTATIONS

“without proper service of process, consent, waiver, or forfeiture, a court may not exercise personal jurisdiction over a named defendant.” (at 4)

“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.” (at 5)

“In short, Plaintiff has failed to show cause why the Court should not dismiss this action for failure to effect service of process on any Defendant.” (at 6)

FACTUAL BACKGROUND

Webb filed a § 1983 action asserting constitutional, criminal, and contract-related claims against numerous defendants. He filed a third amended complaint and mailed summonses by certified mail, but his proofs of service did not show that the summonses were delivered or signed for by the defendants or authorized agents. Despite prior warnings and a prior opportunity to complete service, Webb did not provide proof of effective service or evidence supporting his assertion that defendants refused or failed to claim the mail.

PROCEDURAL HISTORY

Webb commenced the action, amended his complaint as of right, and later filed second and third amended complaints with leave of court. The court directed him to obtain summonses and effect service, but the purported proofs of service showed only that summonses had been mailed and did not establish delivery or acceptance. After a show-cause order and plaintiff's response, the court denied a further extension of time, dismissed the action without prejudice for failure to effect service, denied plaintiff's filing-fee refund request, and denied the remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Rashada v. Gonzales*, No. 1:07-CV-1055, 2007 WL 1795873, at *1 (N.D. Ohio June 20, 2007)
- *Montoya v. Cap. One, N.A.*, No. 2:21-cv-11978, 2022 WL 957548, at *1 (E.D. Mich. Mar. 29, 2022)
- *Morrow v. Tri County Jail*, No. 3:23-cv-21, 2023 WL 5289382, at *2 (S.D. Ohio Aug. 17, 2023)
- *Grindling v. Martone*, No. 12-00361, 2012 WL 4502954, at *1 (D. Haw. Sept. 28, 2012)
- *Thorpe v. Snyder County Domestic Relations Section*, 2005 WL 1155011, at *1 (M.D. Penn. Apr. 29, 2005)
- *Friedman v. Est. of Presser*, 929 F.2d 1151, 1156-57 (6th Cir. 1991)
- *Del Raine v. Carlson*, 826 F.2d 698, 704 (7th Cir. 1987)
- *Ace Am. Ins. Co. v. Meadowlands Dev. Ltd. P'ship*, 140 F. Supp. 3d 450, 455 (E.D. Pa. 2015)
- *King v. Taylor*, 694 F.3d 650, 655 (6th Cir. 2012)
- *Mann v. Castiel*, 681 F.3d 368, 372 (D.C. Cir. 2012)
- *United States v. Oakland Physicians Med. Ctr., LLC*, 44 F.4th 565, 568-69 (6th Cir. 2022)
- *Henderson v. United States*, 517 U.S. 654, 662 (1996)
- *Hason v. Med. Bd. of Cal.*, 279 F.3d 1167, 1174 (9th Cir. 2002)
- *Byrd v. Stone*, 94 F.3d 217, 219 & n.3 (6th Cir. 1996)