

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-10073-GAO

AUDRONE BATAVITCHENE,
Plaintiff,

v.

TAUPA LITHUANIAN FEDERAL CREDIT UNION; SARUNAS NORVAISA, as President of
Taupa Lithuanian Federal Credit Union; THOMAS ASHMANSKAS, as Treasurer of Taupa
Lithuanian Federal Credit Union,
Defendants.

ORDER
July 24, 2018

O'TOOLE, D.J.

This Court previously conditionally granted the defendants' motion to dismiss for insufficient service of process, but gave the plaintiff, Audrone Batavitchene, an experienced pro se litigant, sixty days to effect proper service on the defendants, after which time her case would be finally dismissed if the defendants still had not properly been served. (Order at 3, Aug. 3, 2017 (dkt. no. 14).) The plaintiff thereafter claimed, through a filing on August 16, that she had made proper service of process by mailing the document to each defendant through DHL, an independent courier. (Pl.'s Refiling Making Sufficient and Proper Service 3 (dkt. no. 15).) Sixty days after the August 3 Order, the defendants filed the renewed motion to dismiss that is currently pending before the Court.

The defendants again argue that the plaintiff failed to comply with Rules 4(e) and 4(h)(1) of the Federal Rules of Civil Procedure by attempting to effect service through the use of certified mail. As this Court explained in its prior Order, neither Rule 4 of the Federal Rules, including 4(e) for service on individuals and 4(h)(1) for service on corporations, nor its counterpart in the

Massachusetts Rules of Civil Procedure permits service by means of registered or certified mail. Carter v. Spencer, Civil Action No. 16-12052-NMG, 2016 WL 6905375, at *2 (D. Mass. Nov. 22, 2016) (“Because neither Rule 4 nor its state counterpart provides for service upon individuals by certified or registered mail, the Court denies the motion to complete service by certified mail.”); Payne v. Massachusetts, Civil Action No. 09-10355-PBS, 2010 WL 5583117, at *3 (D. Mass. Nov. 18, 2010) (holding that service “by certified mail is insufficient to satisfy the requirements of the federal or state rules for service of process” for corporations), adopted by No. 1:09-CV-10355-PBS, 2010 WL 5583111 (D. Mass. Dec. 10, 2010).

Because the plaintiff has failed to properly effect service under the Federal or Massachusetts Rules as required by this Court’s August 3 Order, the defendants’ Renewed Motion to Dismiss (dk. no. 16) is GRANTED, and the case is DISMISSED.

It is SO ORDERED.

/s/ George A. O’Toole, Jr.
United States District Judge