

United States Court of Appeals
for the Fifth Circuit

No. 26-10028

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2026

AISHA TRIMBLE,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland
Security*; UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; FEDERAL EMERGENCY MANAGEMENT AGENCY,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-1933

Before STEWART, HIGGINSON, and HO, *Circuit Judges*.

PER CURIAM: *

Aisha Trimble, proceeding pro se, appeals the district court's Rule 12(b)(5) dismissal of her federal lawsuit for insufficient service under Rule 4(i)(1)(A)(ii). *See* FED. R. CIV. P. 12(b)(5), 4(i)(1)(A)(ii). Because the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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district court did not abuse its discretion in dismissing Trimble's suit, we AFFIRM.

I.

Trimble is a disabled veteran who applied for an Executive Assistant position with the Federal Emergency Management Agency's (FEMA) Denton, Texas office. After interviewing with the Agency in March 2022, she was informed that she was not selected for the position. Despite having filed a similar suit against the Government in June 2024,¹ she filed the instant suit in July 2024. In this suit, as in her previous suit, Trimble asserts various claims of discrimination and civil rights violations against FEMA and other federal agencies (collectively, FEMA), seeking millions of dollars in damages.

After the Northern District of Texas Clerk of Court issued a summons and Trimble claimed to have effected service, FEMA failed to answer within sixty days. Consequently, on October 29, 2024, Trimble requested that the Clerk of Court enter a default judgment against FEMA and award her \$50 million. When FEMA became aware of Trimble's default request, it entered a "limited appearance" for purposes of informing the court, through a "Notice Regarding Deficient Service of Process," that it had never been properly served with a copy of Trimble's suit and corresponding summons. *See* FED. R. CIV. P. 4(i)(1)(A)(ii). In short, the service was deficient because Trimble had attempted to serve the United States Attorney by sending a copy of the summons and complaint to "U.S. Atty for Northern District of TX," instead of the civil-process clerk. As a result, the United

¹ *See Trimble v. United States*, No. 25-10921, 2026 WL 432654 (5th Cir. Feb. 16, 2026).

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States Attorney's Office did not receive a copy of the summons and complaint.²

In response to FEMA's notice of deficient service, Trimble submitted to the Clerk of Court a "Request to Take Notice of Adjudicative Facts" wherein she requested that the Clerk take notice that she had properly served FEMA based on the "adjudicative facts and relevant evidence" in the record. The Clerk declined to enter a default judgment against FEMA, but Trimble persisted, again requesting that the Clerk enter a default judgment, which the Clerk again declined to do.³ FEMA's counsel then contacted Trimble and offered to accept service by email of both the complaint and the summons, but Trimble refused. Then, at a subsequent status conference with the court, FEMA's counsel offered in person to accept service, but Trimble once again refused.

Thereafter, FEMA moved to dismiss Trimble's suit under Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), and 12(b)(6). In response, Trimble moved for sanctions and to strike FEMA's motion to dismiss. The magistrate judge resolved all of Trimble's motions in favor of FEMA and thereafter, issued a report and recommendation ("R&R") that FEMA's motion to dismiss be granted. In her R&R, the magistrate judge determined that dismissal under Rule 12(b)(5) was warranted due to Trimble's failure to properly serve the named defendants in her suit. The district court agreed with the magistrate judge's recommendation and dismissed Trimble's suit

² FEMA states on appeal that "the package was signed for by someone named 'O. Tonche,' who was not an employee of the United States Attorney's Office."

³ According to the record, Trimble requested twice more (unsuccessfully) that the Clerk enter default judgment against FEMA.

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without prejudice pursuant to Rule 12(b)(5) for insufficient service of process. *See* FED. R. CIV. P. 12(b)(5). Trimble filed this appeal.

II.

We review a dismissal for insufficient service of process under an abuse of discretion standard. *See Lindsey v. U.S. R.R. Ret. Bd.*, 101 F.3d 444, 445 (5th Cir. 1996). “A district court abuses its discretion if it: (1) relies on clearly erroneous factual findings; (2) relies on erroneous conclusions of law; or (3) misapplies the law to the facts.” *In re Chamber of Com.*, 105 F.4th 297, 311 (5th Cir. 2024) (cleaned up).

III.

In her brief on appeal, Trimble alleges numerous purported errors committed by the district court. We need only address the issue of insufficient service, however, because it is dispositive of all other claims Trimble raises in this appeal.

Federal Rule of Civil Procedure 4(i) provides that to serve a federal agency within the United States, a party must send a copy of the summons and the complaint “by registered or certified mail to the civil-process clerk at the United States attorney’s office.” FED. R. CIV. P. 4(i)(1)(A)(ii). Rule 4(m) further provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action” but if “the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *See* FED. R. CIV. P. 4(m). To establish good cause, a litigant “must make a showing of good faith” and put forth “some reasonable basis for noncompliance within the time specified.” *Sys. Signs Supplies v. U.S. Dep’t of Just.*, 903 F.2d 1011, 1013 (5th Cir. 1990) (cleaned up). “[S]imple inadvertence” or “ignorance of the rules” generally does not excuse a litigant’s failure to properly effect service, nor does her pro se status. *Id.*

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Here, we easily conclude that the district court did not abuse its discretion by dismissing Trimble's suit for insufficient service of process. As a panel of this court similarly concluded in her previous appeal, Trimble did not properly serve the civil-process clerk, nor did she provide any argument showing good cause.⁴ *See* FED. R. CIV. P. 4(i)(1)(A)(ii), (m). Moreover, despite FEMA's counsel's repeated collegial attempts to accept service, Trimble doggedly refused. Instead, she chose to sink her energy into filing numerous meritless motions and attempting (at least four times) to pressure the Clerk of Court into granting her a default judgment against FEMA. Indeed, in her brief on appeal, Trimble even asks this court to direct the district court to enter a default judgment in her favor.

Given that Trimble has expressly refused to properly serve FEMA, even when presented with numerous opportunities to do so, we conclude that she has failed to show good cause under Rule 4. *See* FED. R. CIV. P. 4(m). Accordingly, we hold that the district court was well within its discretion when it dismissed her claims without prejudice pursuant to Rule 12(b)(5). *See* FED. R. CIV. P. 12(b)(5).

IV.

For the foregoing reasons, the district court's dismissal of this action is AFFIRMED.⁵

⁴ *See Trimble*, 2026 WL 432654, at *1-2.

⁵ Trimble has submitted a Rule 28(j) letter to this court drawing our attention to a recent Supreme Court opinion, *Margolin v. Nat'l Ass'n of Immigr. Judges*, 608 U.S. ---, 146 S. Ct. 1285 (2026). In that case, the Court reversed a judgment of the Fourth Circuit after holding that it had violated the party-presentation principle. *See id.* at 1228-29. Nowhere in the *Margolin* ruling does the Court discuss any issues pertinent to Trimble's appeal.