

United States Court of Appeals  
For the Eighth Circuit

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No. 25-2930

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Dana Watson

*Plaintiff - Appellant*

v.

Arrow Senior Living The Boulevard of St. Charles

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: February 25, 2026

Filed: March 6, 2026

[Unpublished]

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Before BENTON, KELLY, and ERICKSON, Circuit Judges.

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PER CURIAM.

Dana Watson appeals after the district court denied her post-judgment motions seeking relief following the dismissal of her pro se employment action for insufficient service of process. The district court concluded Watson did not properly serve Arrow Senior Living within 90 days of filing her complaint and denied her an extension of

time under Federal Rule Civil Procedure 4(m) to effect service, as she had not demonstrated good cause.

After careful review of the record and the parties' arguments on appeal, we conclude remand is necessary for the district court to consider in the first instance whether to grant Watson a discretionary extension of time to effect service. See Kurka v. Iowa Cnty., 628 F.3d 953, 957-59 (8th Cir. 2010) (under Rule 4(m), absent good cause, court may extend time for service rather than dismiss case without prejudice; to warrant discretionary extension, plaintiff must establish excusable neglect; factors informing determination include, inter alia, possibility of prejudice to defendant, reason for delay, and "lethal effect" of running of statute of limitations); Buon v. Spindler, 65 F.4th 64, 75-76 (2d Cir. 2023) (remanding for consideration whether Rule 4(m) extension warranted where it was unclear whether court considered discretionary extension).

Accordingly, we vacate the dismissal order and remand the case to the district court for further proceedings.

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