

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted December 22, 2025*

Decided December 22, 2025

*Before*MICHAEL B. BRENNAN, *Chief Judge*MICHAEL Y. SCUDDER, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*

No. 25-1687

WELBY THOMAS COX, JR.,
Plaintiff-Appellant,

v.

SMILES FOR LIFE, INC., et al.,
Defendants-Appellees.

Appeal from the United States District
Court for the Southern District of
Indiana, Indianapolis Division.

No. 1:24-cv-02107-MPB-MJD

Matthew P. Brookman,
Judge.

ORDER

Welby Cox, Jr. appeals the judgment dismissing his civil lawsuit for noncompliance with court-ordered deadlines. We affirm.

* The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

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Cox sued several dentists and dental offices for injuries he alleges he suffered because of deficient dental care. He asserted violations of 18 U.S.C. § 1031(h), a criminal fraud statute, as well as state-law claims of medical malpractice. The district court screened Cox's amended complaint under 28 U.S.C. § 1915(e) and concluded that Cox failed to allege facts that would establish either federal question jurisdiction or diversity jurisdiction. The court directed him to amend his complaint within a month to clarify the defendants' citizenship for diversity purposes, or his claim would be dismissed without further warning. Lastly, the court, noting that the defendants had yet to be served, denied a motion that Cox had filed for a default judgment.

Cox ignored the district court's instructions to amend his complaint and instead moved again for default judgment. The court again denied the motion because the defendants had not yet been served. After Cox missed the deadline to file a second amended complaint, the court dismissed the case without prejudice.

Cox limits his appeal to challenging the denials of his motions for default judgment. He insists that he properly served the defendants, and as proof of service he points to certified mail receipts that he filed in the district court. But the court's rulings were correct. The plaintiff in a federal lawsuit must ensure that each defendant is served with a summons and a copy of the complaint. FED. R. CIV. P. 4(b), (c)(1); *see Cardenas v. City of Chicago*, 646 F.3d 1001, 1004 (7th Cir. 2011). And here, the district court's docket does not reflect that the clerk signed, sealed, and issued a completed summons to Cox for service on any defendant. FED. R. CIV. P. 4(b).

AFFIRMED