

**NONPRECEDENTIAL DISPOSITION**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 August 4, 2026\*

Decided August 4, 2026

**Before**

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-2552

EDGAR R. ROBERTSON,  
*Plaintiff-Appellant,*

*v.*

DOUGLAS A. COLLINS, Secretary of  
Veterans Affairs,  
*Defendant-Appellee.*

Appeal from the United States District  
Court for the Eastern District of  
Wisconsin.

No. 24-CV-1618-SCD

Stephen C. Dries,  
*Magistrate Judge.*

**ORDER**

Edgar Robertson challenges the dismissal of this complaint alleging that medical staff at the Department of Veterans Affairs caused him emotional and physical injuries. A magistrate judge dismissed the complaint for failure to state a claim and for failure to effect proper service. We affirm.

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\* We have agreed to decide the case without oral argument because the briefs 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).

We accept the factual allegations in Robertson's complaint as true, drawing all reasonable inferences in his favor and liberally construing his pro se complaint. *Wilson v. Castaneda*, 143 F.4th 814, 817 (7th Cir. 2025). Robertson alleged that employees of the VA mismanaged and altered his medical records to downplay his disability and deny him certain benefits. He further alleged that the agency's medical staff improperly diagnosed him, prescribed him an unsafe medication, and damaged his teeth. And he alleged that he experienced harassment, retaliation, and abuse because of internal grievances he filed.

The Secretary of Veterans Affairs, Douglas Collins, moved to dismiss the complaint because Robertson's conclusory allegations failed to state a claim and, alternatively, Robertson had not properly effected service of process. Collins attached a declaration from a VA paralegal, attesting that the agency never received service of the complaint. In response, Robertson detailed his attempts to serve the complaint: The state sheriff and the clerk of the court refused to serve the defendant on Robertson's behalf, so Robertson instead left copies of the summons and complaint with a clerk at the U.S. Attorney's office in Milwaukee. Robertson says he then sent a copy of the complaint to the Secretary via certified mail.

The magistrate judge, presiding with the parties' consent, *see* 28 U.S.C. § 636(c), construed Robertson's claims as arising under the Due Process Clause and the Federal Tort Claims Act, *see id.* §§ 2671–2680, and dismissed the complaint for failure to state a claim. The judge noted that Robertson had not provided any information about when the mishandling of records occurred, who was responsible, or how it injured him. Alternatively, the judge determined that Robertson failed to establish that he had properly served the Secretary. *See* FED. R. CIV. P. 12(b)(5). In response to Robertson's assertion that he was rebuffed in his attempts to serve the complaint personally on the VA, the judge pointed out that Rule 4(c)(2) of the Federal Rules of Civil Procedure prohibits a party from effecting service on his own behalf. The judge did, however, grant Robertson leave until July 18, 2025, to amend the complaint to plead sufficient facts and effect proper service. Robertson took no steps to amend his complaint and instead filed this appeal.

On appeal Robertson "objects" to the conclusion that he did not establish proper service of process, but he does not engage with the magistrate judge's ruling that his attempts at service were flawed because only a nonparty may serve a summons and complaint. *See* FED. R. CIV. P. 4(c)(2). We are mindful of Robertson's pro se status, but he is nevertheless required to comply with Rule 28(a) of the Federal Rules of Appellate

Procedure by explaining why the judge's decision was incorrect. *See Atkins v. Gilbert*, 52 F.4th 359, 361 (7th Cir. 2022). Accordingly, we see no error in the judge's decision to dismiss Robertson's complaint for insufficient service of process under Rule 12(b)(5) of the Federal Rules of Civil Procedure. *See Cardenas v. City of Chicago*, 646 F.3d 1001, 1005 (7th Cir. 2011).

Because insufficient service of process is an independent basis for affirmance, we need not reach Robertson's remaining argument that his allegations stated a claim.

AFFIRMED