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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Rumi Salazar,

) No. CV-10-99-PHX-DGC

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Plaintiff,

) **ORDER**

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vs.

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Lehman Brothers Bank; Faslo Solutions;
Camelback Title; MERS; Aurora Loan
Services; and Quality Loan Service
Corp., AZ,

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Defendants.

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This action arises from a trustee’s sale of real property located in Litchfield Park, Arizona. Plaintiff Rumi Salazar filed a complaint against Defendants on January 19, 2010, asserting claims for violation of federal due process rights, deprivation of rights under cognovit note, and deprivation of rights due to unconscionability and adhesion contracts. Doc. 1. The Court granted Plaintiff’s motion for leave to file an amended complaint (Doc. 8) and denied as moot a motion to dismiss the original complaint (Doc. 5). Doc. 11. The amended complaint purports to assert ten claims against Defendants. Doc. 13.

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On June 30, 2010, Defendants Lehman Brothers Bank, Aurora Loan Services, and Quality Loan Service Corporation filed a motion to dismiss the amended complaint for failure to state a claim to relief. Doc. 16. Plaintiff has filed no response, and the time for doing so has expired. See LRCiv 7.2(c); Fed. R. Civ. P. 6(d). Plaintiff shall have until **August 6, 2010** to file a response to the motion to dismiss (Doc. 16). Plaintiff is again advised (see Docs. 6, 11) that even though he is proceeding pro se, he is still required follow

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1 the Federal Rules of Civil Procedure and the Court's Local Rules of Civil Procedure.

2 It does not appear from the case docket that Plaintiff has, as required by Rule 4 of the
3 Federal Rules of Civil Procedure, served process on Defendants Faslo Solutions, Camelback
4 Title, and MERS. Rule 4(m) provides that service of process must be made within 120 days
5 after the complaint is filed. Fed. R. Civ. P. 4(m). Plaintiff filed his complaint on January 19,
6 2010. Doc. 1. The service deadline, therefore, was May 19, 2010. The Court previously
7 warned Plaintiff that if he fails to prosecute this action, the Court may dismiss the action with
8 prejudice. Docs. 6, 11. Plaintiff shall, by **August 6, 2010**, show cause why Defendants
9 Faslo Solutions, Camelback Title, and MERS should not be dismissed for lack of service.

10 **IT IS ORDERED:**

- 11 1. Plaintiff shall have until **August 6, 2010** to file a response to Defendants'
12 motion to dismiss the amended complaint (Doc. 16). Plaintiff is warned that
13 the Court will summarily grant the motion to dismiss if Plaintiff fails to
14 comply with this order. *See* LRCiv 7.2(i); Doc. 6 at 2.
- 15 2. Plaintiff shall, by **August 6, 2010**, show cause why Defendants Faslo
16 Solutions, Camelback Title, and MERS should not be dismissed for lack of
17 service of process by Plaintiff pursuant to Rule 4 of the Federal Rules of Civil
18 Procedure.
- 19 3. Defendants' erroneously filed motion to dismiss the original complaint
20 (Doc. 14) is **denied**.
- 21 4. The Clerk is directed to mail a copy of this order to Plaintiff at the following
22 addresses: (1) P.O. Box 11054, Scottsdale, Arizona, 85271; and (2) 18017
23 West Montebello Avenue, Litchfield Park, Arizona, 85340.

24 DATED this 26th day of July, 2010.

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David G. Campbell
United States District Judge