

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**KIMBERLY PEACE**

**PLAINTIFF**

**v.**

**4:09CV00849-WRW**

**BANK OF AMERICA NA, et al.**

**DEFENDANTS**

**ORDER**

Pending are Plaintiff's Motion for Default Judgment (Doc. No. 12); Defendant Bank of America's Motion to Dismiss (Doc. No. 6); Defendant Bank of America's Motion to Dismiss Amended Complaint (Doc. No. 13); and Defendant Bank of America's Motion for Discovery to be Held in Abeyance (Doc. No. 16).

Plaintiff's Motion for Default Judgment (Doc. No. 12) is DENIED because Defendant Bank of America filed its timely Motion to Dismiss<sup>1</sup> asserting insufficient service of process.

Defendant Bank of America's Motion to Dismiss (Doc. No. 6) and Motion to Dismiss Amended Complaint (Doc. No. 13) are DENIED without prejudice. Plaintiff, who is proceeding *pro se*, is directed to comply with the relevant rules of civil procedure by December 30, 2009. If Defendant Bank of America wishes to refile its Motion, it must do so by January 10, 2010.

Defendant's Motion for Discovery to be Held in Abeyance (Doc. No. 16) is GRANTED. Discovery in this case is stayed until January 10, 2010, or, if Defendant refiles its Motion to Dismiss, discovery is stayed until that motion is decided.

IT IS SO ORDERED this 9<sup>th</sup> day of December, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. Nos. 6, 13.