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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BORIS MURZAK, et al.,

Plaintiffs,

No. CIV S-11-1952 GEB GGH PS

vs.

GREENPOINT MORTGAGE
FUNDING, INC., et al.,

Defendants.

ORDER TO SHOW CAUSE

_____/

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). Pursuant to Federal Rule of Civil Procedure 4(m), the court may dismiss an action where service of summons is not made within 120 days after the filing of the complaint. In the order requiring timely service filed July 25, 2011, plaintiff was cautioned that this action may be dismissed if service was not timely completed. This action was filed May 24, 2011 in state court and removed to this court on July 25, 2011, and plaintiff has not yet served defendants Greenpoint Mortgage Funding, Inc., Marin Conveyancing Corporation, and Residential Funding Company, LLC with summons. Although plaintiff entered into a stipulation of dismissal with defendants Bank of America, N.A., successor by merger to BAC Home Loan Servicing, LP; Recontrust Company; and Mortgage Electronic Registration Systems, Inc., that stipulation dismissed only those defendants and not the entire action.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall re-open this case; and
2. Plaintiff shall show cause, in writing, within fourteen days from the date of this

order, why defendants Greenpoint Mortgage Funding, Inc., Marin Conveyancing Corporation, and Residential Funding Company, LLC, should not be dismissed for failure to comply with Federal Rule of Civil Procedure 4(m). Failure to timely file the required writing will result in a recommendation that these defendants be dismissed.

DATED: September 30, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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