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United States District Court
For the Northern District of California

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

CHRISTIE HOLLOWELL,
Plaintiff,
v.
ALLIANCE BANCORP, INC., et al.,
Defendants.

No. C-10-1658 MMC

**ORDER CONTINUING HEARING ON
SELECT PORTFOLIO SERVICING'S
MOTION TO DISMISS; DIRECTING
PLAINTIFF TO SHOW CAUSE WHY
CLAIMS AGAINST ALLIANCE
BANCORP, INC. SHOULD NOT BE
DISMISSED FOR FAILURE TO SERVE**

The above-titled action was reassigned to the undersigned on December 6, 2010. Thereafter, on December 13, 2010, defendant Select Portfolio Servicing ("SPS") renoticed its pending motion to dismiss for a hearing to be conducted on January 21, 2011.

Prior the reassignment, the Honorable Vaughn R. Walker had scheduled a February 3, 2011 hearing on SPS's motion; said date was set in order to afford plaintiff, who proceeds pro se, additional time to prepare opposition and/or to locate counsel. Under the circumstances, the hearing on SPS's motion is hereby CONTINUED to Friday, February 4, 2011, at 9:00 a.m., Courtroom 7, 19th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.¹ Plaintiff's opposition to the motion shall be filed and served on counsel for SPS no later than Friday, January 14, 2011.

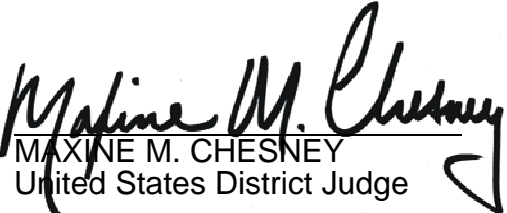
Additionally, the Court, having reviewed the file, notes that the file does not reflect

¹The Court hears civil motions on Friday.

1 any service of a summons and a copy of the complaint upon defendant Alliance Bancorp,
2 Inc. ("Alliance"). "If a defendant is not served within 120 days after the complaint is filed,
3 the court – on motion or on its own after notice to the plaintiff – must dismiss the action
4 without prejudice against that defendant or order that service be made within a specified
5 time." Fed. R. Civ. P. 4(m). Here, plaintiff, on November 13, 2009, filed her complaint in
6 the United States Bankruptcy Court, but, to date, has not filed proof of service of the
7 summons and complaint upon Alliance. Pursuant to Rule 4(m), plaintiff is hereby
8 ORDERED TO SHOW CAUSE, in writing and no later than Friday, January 14, 2011, why
9 plaintiff's claims against Alliance should not be dismissed for failure to serve within the time
10 required by Rule 4(m).

11 **IT IS SO ORDERED.**

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13 Dated: December 17, 2010

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MAXINE M. CHESNEY
United States District Judge