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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

RICHARD A. FRUSTERE,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

No. 11-6395 MMC

**ORDER DISMISSING DEFENDANT
BRENDAN MURPHY WITHOUT
PREJUDICE**

By order filed November 1, 2012, the Court directed plaintiff to file proof of service of the summons and Third Amended Complaint on defendant Brendan Murphy ("Murphy") by December 7, 2012. Plaintiff has not filed proof of service on Murphy. Accordingly, plaintiff's claims against Murphy are hereby DISMISSED without prejudice. See Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

Dated: December 12, 2012


MAXINE M. CHESNEY
United States District Judge