

United States District Court
For the Northern District of California

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

DELORES MINIX, an individual,
Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; NDEX WEST, LLC and
DOES 1 through 50, inclusive,
Defendants.

No. C 11-3478 CW

ORDER GRANTING
DEFENDANTS JP
MORGAN'S AND MERS'
UNOPPOSED MOTION
TO DISMISS, Docket
No. 21, AND
SETTING DEADLINE
FOR PLAINTIFF TO
SERVE DEFENDANT
NDEX WEST

_____ /

On June 14, 2011, Plaintiff Delores Minix filed this action against Defendants JP Morgan Chase Bank, N.A., Mortgage Electronic Registration Systems, Inc. (MERS) and NDEX West, LLC. On July 15, 2011, JP Morgan Chase and MERS removed the action to federal court. On September 30, 2011, JP Morgan Chase and MERS filed a joint motion to dismiss the claims against them. After Plaintiff missed the deadline to oppose the motion, Judge Illston, who was then assigned to the case, issued an order to show cause regarding why the case should not be dismissed. The order required Plaintiff to respond to the motion to dismiss by November 28, 2011.

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The case has since been reassigned to the undersigned. Plaintiff has failed to oppose the pending motion to dismiss and has provided no other response to the order to show cause. Accordingly, Plaintiff's claims against JP Morgan Chase and MERS are dismissed without prejudice.

In addition, there is no indication that Plaintiff has served the summons and complaint on the remaining Defendant, NDEX West, in accordance with Federal Rule of Civil Procedure 4(m). Rule 4(m) requires service on a defendant within 120 days after the complaint is filed. Plaintiff shall serve NDEX West within fourteen days from the date of this order, or Plaintiff's claims against it will be dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: 1/3/2012


CLAUDIA WILKEN
United States District Judge