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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GREGORY SHOLBERG, an individual,

Plaintiff,

vs.

BNC MORTGAGE, INC.; PACIFIC
MORTGAGE SOLUTIONS, INC.;
WELLS FARGO, doing business as
America's Service Company; NDEX
WEST, LLC, as Trustee on the First Deed
of Trust; DOES 1 through 10; US BANK,
N.A.,

Defendants.

CASE NO. 10cv569 WQH (NLS)
ORDER

HAYES, Judge:

On March 18, 2010, Plaintiff Gregory Sholberg initiated this action by filing his Complaint naming BNC, Mortgage, Inc., Pacific Mortgage Solutions, Inc., Wells Fargo, NDEX West, LLC, and US Bank, N.A., as Defendants. (Doc. # 1). To date, Plaintiff has not filed proof of service as to any Defendant. To date, no Defendant has entered an appearance.

On July 21, 2010, the Court issued an order to show Cause which stated in part:

Federal Rule of Civil Procedure 4 requires that a summons and complaint be served "within 120 days after the filing of the complaint." Fed. R. Civ. P. 4(m). If a plaintiff fails to serve the summons and complaint within 120 days, the court may dismiss the action without prejudice after notice to the plaintiff. *See id.*

This order constitutes notice to Plaintiff that the Court will dismiss the action without prejudice and close the case on **August 15, 2010**, unless, no later than that date, Plaintiff files either: (1) proof of service of the summons and the

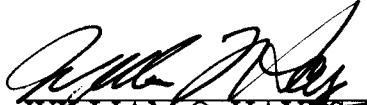
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complaint; or (2) a declaration under penalty of perjury showing good cause for failure to timely serve Defendants accompanied by a motion for leave to serve process outside of the 120 day period.

(Doc. # 6 at 1-2). Plaintiff did not file a response.

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice. The Clerk of the Court shall close the case.

DATED: 8/23/10


WILLIAM Q. HAYES
UNITED STATES DISTRICT JUDGE