

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

SABRINA DODD MCMILLIAN

v.

WELLS FARGO BANK, NA

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Civil No. – JFM-12-2826

**MEMORANDUM**

Defendant has filed a motion to dismiss plaintiff's amended complaint. The motion will be granted.

It appears that the issues presented by this litigation would be best resolved by the Probation Court in California. That, however, is not the basis for this court's dismissal of the amended complaint. Rather, the record makes it abundantly clear that plaintiff has not stated good cause for her failure to effect service upon defendant within the time required by Fed. R. Civ. P. 4(m). Although the care given by plaintiff to her late aunt is commendable and although the aunt's death is regrettable, the fact of the matter is that plaintiff had ample time to effect service of process. Moreover, although it is not necessary for defendant to demonstrate any prejudice caused by virtue of plaintiff's delay in effecting service, defendant has been unable to locate the person who received funds in 2009 from the accounts of Rita Pimpton, a fact clearly prejudicial to its case.

A separate order granting defendant's motion is being entered herewith.

Date: September 23, 2013

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/s/  
J. Frederick Motz  
United States District Judge