

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHAEL RAJIRI EL-JABAZWE

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE,  
TAMIKA A. HORNE, HEIDE M. MYSZAK,  
DANA L. GOTTLIEB, MICHAEL BOUCHARD,  
and JOHN M. ROEHRIG

Defendants.

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Case No. 13-10310

Hon. Lawrence P. Zatkoff

**ORDER**

On October 18, 2013, the Court issued an Opinion and Order dismissing the served Defendants. The remaining Defendant—Wells Fargo—has not been served with the summons and complaint. Pursuant to Fed. R. Civ. P. 4(m), “[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Thus, the Court ordered Plaintiff to show cause why Defendant Wells Fargo had not been properly served with the summons and complaint. In response to the show cause order, Plaintiff provided documentation that he served Trott & Trott, P.C. (which was Wells Fargo’s foreclosure counsel in the underlying matter). Yet, Trott & Trott is not Defendant Wells Fargo’s resident agent authorized to accept service of a summons and complaint on behalf of Defendant Wells Fargo. In other words, Plaintiff has failed to properly serve Defendant Wells Fargo in accordance with the Federal Rules of Civil Procedure and Michigan Court Rules. *See* Fed. R. Civ. P. 4(e), (h)(1); M.C.R. 2.105(D). Because Defendant Wells Fargo was not

“served within 120 days after the complaint” was filed, the Court HEREBY ORDERS that Defendant Wells Fargo is dismissed from this case without prejudice.

It is FURTHER ORDERED that the Court’s order to show cause [dkt 29] is dismissed.

IT IS SO ORDERED.

Date: March 21, 2014

S/Lawrence P. Zatkoff  
Hon. Lawrence P. Zatkoff  
U.S. District Judge