

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CONNIE STEELMAN,)
)
Plaintiff,)
)
vs.)
)
FIRST STATE INVESTORS 5000A, LLC,)
d/b/a BANK OF AMERICA,)
)
Defendant.)

Case No. 4:12CV160 RWS

MEMORANDUM AND ORDER

This matter is before me on plaintiff’s motion for leave to proceed in forma pauperis. On June 18, 2012, I dismissed plaintiff’s complaint without prejudice as required by Rule 4(m) of the Federal Rules of Civil Procedure for failure to obtain timely service on defendant. On July 18, 2012, I denied plaintiff’s motion for reconsideration of the dismissal because plaintiff did not demonstrate that she obtained, or was even attempting to obtain, service on defendant. Now, plaintiff seeks leave to proceed ifp so that she can “make every attempt to prove the allegations to be true.” Again, plaintiff’s complaint was dismissed without prejudice because she failed to obtain service on defendant. The dismissal was not on the merits of the case. Plaintiff is not seeking to proceed ifp on appeal, so the Court will deny the motion as moot in this closed case. The Federal Rules of Civil Procedure require a plaintiff to obtain service on a defendant before a lawsuit can proceed. I cannot suspend these rules simply because plaintiff continues to insist that her claims have merit.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [#18] is denied as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 31st day of July, 2012.