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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:10-CV-1098 JCM (LRL)

YVETTE WEINSTEIN,

Plaintiff,

v.

PREFERRED HOME MORTGAGE
COMPANY, et al.,

Defendants.

ORDER

Presently before the court is the matter of *Weinstein v. Preferred Home Mortgage Company et al* (Case No. 2:10-cv-01098-JCM-LRL), which was consolidated with *Weinstein v. Preferred Home Mortgage Company et al* (Case No. 2:10-cv-01125-JCM-LRL.) on October 4, 2010, pursuant to the court’s orders (doc. # 18 and #19).

Federal Rule of Civil Procedure 4(m) provides: “If 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.”

Plaintiff filed her complaint on February 25, 2010. Pursuant to Federal Rule of Civil Procedure 4(m), on September 28, 2010, the clerk of the court provided notice to the plaintiff that the action would be dismissed as to defendant Joe Scallion, if she did not file proof of service of process by October 28, 2010. (Doc. # 17).

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To date, plaintiff has failed to file proof of service with the court as to defendant Joe Scallion.
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the case as to defendant
Joe Scallion be, and the same hereby is, DISMISSED without prejudice.

DATED November 4, 2010.


UNITED STATES DISTRICT JUDGE