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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BETTY R. HEROLD,  
Plaintiff,  
v.  
INDYMAC, *et al.*,  
Defendants.

Case No. 2:10-CV-02204-KJD-GWF

**ORDER**

Plaintiff's complaint was filed on December 20, 2010. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting service of the summons and complaint upon Defendant expired no later than April 20, 2011. Plaintiff has not yet filed proof of service of the summons and complaint on the sole remaining defendant, Indymac.

Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have up to and including October 18, 2011 to file proof of service of the summons and complaint within the allowed time. If Plaintiff fails to respond or to file proof of service, the Court will dismiss the complaint against the remaining defendant without prejudice in accordance with Federal Rule of Civil Procedure 4(m).

DATED this 5<sup>th</sup> day of October 2011.



Kent J. Dawson  
United States District Judge