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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSE RUBIO,  
  
Plaintiff,  
  
v.  
  
THE MORTGAGE OUTLET, et al.,  
  
Defendants.

2:11-CV-550 JCM (RJJ)

**ORDER**

Presently before the court is the matter of *Rubio v. The Mortgage Outlet et. al.*, (2:11-cv-00550-JCM-RJJ).

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 Jose Rubio’s case was removed to this court on April 12, 2011. (Doc. #1). Pursuant to Federal Rule of Civil Procedure 4(m), on August 11, 2011, the clerk of the court provided notice to plaintiff that the action would be dismissed as to defendant The Mortgage Outlet if Rubio did not file proof of service of process by September 10, 2011. (Doc. #13).

To date, the court has not received proof of service of process as to defendant The Mortgage Outlet, as required under rule 4(m).

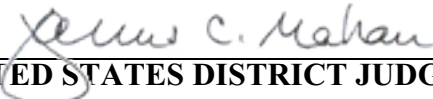
Accordingly,

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case  
be, and the same hereby is, DISMISSED without prejudice as to defendant The Mortgage Outlet.

DATED September 23, 2011.

  
UNITED STATES DISTRICT JUDGE