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 7
 8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9
 10 **HICA EDUCATION LOAN**)
CORPORATION,)
 11 **Plaintiff,**) **No. 2:12-cv-00553-PMP-GWF**
)
 12 **v.**) **NOTICE OF DISMISSAL WITHOUT**
) **PREJUDICE**
 13 **ELLIOT E. SHIN,**)
Defendant.)

14
 15
 16 Plaintiff, HICA EDUCATION LOAN CORPORATION, notifies the Court and all-
 17 parties-in-interest that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, it is
 18 dismissing this case without prejudice, and would show:

- 19 1. Plaintiff filed this case on April 4, 2012. (ECF # 1).
 20 2. A Summons was issued for service upon the Defendant on April 4, 2012. (ECF # 4).
 21 3. Multiple attempts have been made to effectuate service of the Summons and the
 22 Complaint on the Defendant; however, these attempts have been unsuccessful, as evidenced by
 23 the Return of Service attached hereto as **Exhibit A** and incorporated herein by reference.

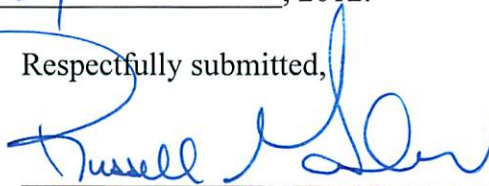
1 4. For reasons satisfactory to it, Plaintiff has determined that this case should be dismissed
2 at the current time without prejudice pursuant to the authority of Rule 41 of the Federal Rules
3 of Civil Procedure.

4 **WHEREFORE**, Plaintiff, HICA Education Loan Corporation, requests that this case be
5 dismissed without prejudice, with costs taxed to the party incurring same.

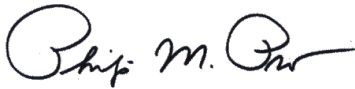
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7 Dated this 9th day of May, 2012.

8 Respectfully submitted,

9 IT IS SO ORDERED.



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19 Attorneys for Plaintiff



12 PHILIP M. PRO
13 U.S. DISTRICT JUDGE

14 Dated: May 9, 2012.

16 **CERTIFICATE OF SERVICE**

17 The undersigned certifies that a true and correct copy of this pleading was served by
18 certified mail, return receipt requested, and by regular, first-class mail on the 8 day of
19 May, 2012, to the last known address of the Defendant as set forth
20 below:

20 Elliot E. Shin
21 6718 Lincoln Wood St.
22 Las Vegas, NV 89149-0523



23 /s/ Russell G. Gubler
24 Attorney for Plaintiff

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

HICA Education Loan Corporation

Plaintiff

v.

Elliot E. Shin

Defendant

Civil Action No. 2:12-cv-00553-PMP -GWF

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Elliot E. Shin
6718 Lincoln Wood St.
Las Vegas, NV 89149-0523

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew L. Johnson
Russell G. Gubler
Matthew L. Johnson & Associates, P.C.
8831 West Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 471-0085

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

LANCE S. WILSON

CLERK

Lance S. Wilson

(By) DEPUTY CLERK



April 4, 2012

DATE

EXHIBIT "A"

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 2:12-cv-00553-PMP -GWF

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Elliot E. Shin
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AFFIDAVIT OF NON-SERVICE

**UNITED STATES DISTRICT COURT
District of Nevada**

Case Number: 2:12-CV-00553-PMP-GWF

Plaintiff:
HICA EDUCATION LOAN CORPORATION

vs.

Defendant:
ELLIOT E. SHIN

Received by Sunbelt Reporting & Litgation Services (Bellaire, TX) on the 6th day of April, 2012 at 10:35 am to be served on **ELLIOT E. SHIN, 6718 Lincoln Wood St., Las Vegas, NV 89149.**

I, Anthony Spada, being duly sworn, depose and say that on the 9th day of April, 2012 at 1:34 pm, I:

NON-SERVED the SUMMONS IN A CIVIL ACTION, CIVIL COVER SHEET, CERTIFICATE OF INTERESTED PERSONS, NOTICE OF PENDENCY OF OTHER ACTIONS and COMPLAINT for the reasons detailed in the comments below.

Additional Information pertaining to this Service:

4/6/2012 5:35 pm Attempted service was made at the address of 6718 Lincoln Wood St., Las Vegas, NV 89149. An unidentified female (Asian, 50 y/o, 5'3", 125 lbs., black hair, no glasses) answered the door and stated that Elliot was not at home and would return tomorrow.

4/7/2012 10:21 am Attempted service was made at the address of 6718 Lincoln Wood St., Las Vegas, NV 89149. An unidentified female (Asian, 50 y/o, 5'3", 125 lbs., black hair, no glasses) answered the door and stated that Elliot was not at home.

4/9/2012 1:34 pm Attempted service was made at the address of 6718 Lincoln Wood St., Las Vegas, NV 89149. No response was received at the door. No activity was observed. No vehicle was present. Voices were heard within the residence.

I certify that at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made.

State of Nevada
County of Clark



Anthony Spada
2571589

Subscribed and Sworn to before me on the 17th
day of April, 2012 by the affiant
who is personally known to me.

**Sunbelt Reporting & Litgation Services (Bellaire, TX)
6575 W. Loop South, Suite 580
Bellaire, TX 77401
(713) 667-0763**



NOTARY PUBLIC

Our Job Serial Number: BRT-2012001257

