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8   **UNITED STATES DISTRICT COURT**

9   **DISTRICT OF NEVADA**

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11   LV DEBT COLLECT, INC.,   Case No.: 2:16-cv-02857-APG-NJK

12   Plaintiff(s),   **ORDER**

13   v.

14   BANK OF NEW YORK MELLON, et al.,

15   Defendant(s).

16   Pending before the Court is an order for Plaintiff to show cause why the Court should not

17   dismiss Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") for lack of service.

18   Docket No. 50. Plaintiff has filed a response that a proof of service for MERS was filed in state

19   court, but that MERS has not responded to the answer in light of an earlier stay and more recent

20   settlement discussions. Docket No. 56 at 3. The Federal Rules of Civil Procedure establish a

21   deadline to respond to the complaint. Fed. R. Civ. P. 12(a)(1)(A); see also Fed. R. Civ. P. 81(c)(2)

22   (addressing deadline for cases that are removed). "That's a mandate, not a mere suggestion." State

23   Compensation Ins. Fund v. Capen, 2016 WL 9083270, at *1 (C.D. Cal. Dec. 16, 2016). Regardless

24   of the impact of the stay on that deadline, it has undoubtedly lapsed at this point. See Docket No.

25   47 (lifting stay). MERS has not responded to the complaint, nor has any party requested a Court

26   order allowing an extension of the deadline to do so.

27   The Court hereby **ORDERS** that, no later than April 4, 2019, either (1) MERS shall file a

28   response to the complaint, (2) dismissal papers shall be filed for MERS, or (3) a request to extend

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the deadline for MERS to respond to the complaint shall be filed. The Court **DISCHARGES** the order to show cause for lack of service. The Court lastly **ORDERS** Plaintiff to serve MERS a copy of its response to the order to show cause (Docket No. 56)[1] and a copy of this order, and to file a proof of service by March 25, 2019.

IT IS SO ORDERED.

Dated: March 21, 2019

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Nancy J. Koppe
United States Magistrate Judge

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[1] The proof of service indicates that service was completed through CM/ECF. Docket No. 56 at 5. Since MERS has never appeared in this case, it was not served through CM/ECF.