

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Angela Jo Moore and M. Porter
Moore

v.

Civil No. 10-cv-241-JL

Mortgage Electronic Registration
Systems, Inc., Saxon Mortgage
Services, Inc., Ocwen Loan
Servicing, LLC, Harmon Law
Offices, WMC Mortgage Corp.,
Deutsche Bank National Trust
Company, as Trustee, Morgan
Stanley ABS Capital I Holding
Corp., and Morgan Stanley ABS
Capital I Inc. Trust 2007-HE5

SUMMARY ORDER

Plaintiffs Angela Jo Moore and M. Porter Moore, proceeding pro se, have sued a number of defendants for alleged misfeasance in the origination, servicing, and foreclosure of their mortgage loan. Among the defendants is WMC Mortgage Corp., the lender that originated the Moores' loan. Plaintiffs added WMC to the case in their second amended complaint, which they filed on January 21, 2011. That complaint was superseded by plaintiffs' third amended complaint, which also makes claims against WMC, on April 12, 2011.

From the docket, it does not appear that plaintiffs have served process on WMC in accordance with Federal Rule of Civil Procedure 4. Plaintiffs have not filed an executed return of service on WMC or otherwise provided proof of service as required

by Rule 4(1).¹ WMC has not filed any pleadings or other documents, and no attorney has appeared on its behalf.

Under Rule 4(m), "[i]f 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 against that defendant or order that service be made within a specified time." The 120-day period that started running with the filing of the third amended complaint expired in August of this year, so service on WMC is overdue. Plaintiffs shall serve WMC with process and make proof of service in accordance with Rule 4(1) no later than 21 days from the date of this order. Failure to do so will result in the dismissal of plaintiffs' claims against WMC without prejudice.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 1, 2011

cc: Angela Jo Moore, pro se
M. Porter Moore, pro se
Joshua D. Shakun, Esq.
Brian S. Grossman, Esq.
Peter G. Callaghan, Esq.

¹ Plaintiffs filed an unexecuted return of service for WMC on May 24, 2011. See document no. 58.