

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-429-RJC-DCK

KIM NAROG and JOHN DOE,)
)
 Plaintiffs,)
)
 v.)
)
 FEDERAL NATIONAL MORTGAGE)
 ASSOCIATION, BANK OF AMERICA)
 HOME LOAN SERVICING LP,)
 LASALLE BANK NATIONAL)
 ASSOCIATION, CHICAGO TITLE)
 INSURANCE COMPANY, DAVID T.)
 SIMPSON TRUSTEE, MIDLAND)
 LOAN SERVICE INC.)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on its own motion. Plaintiffs filed their Complaint on September 2, 2011. (Doc. No. 1). The case docket reflects that a summons was issued by the Clerk of Court on September 2, 2011 for service of the Complaint on Defendant Midland Loan Service, (Doc. No. 2), and on October 12, 2011 for service on Carroll Management Group and David T. Simpson, (Doc. No. 6). However, the docket contains neither (1) a return of summons or proof of service of the Complaint on Defendant, nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

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 against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiffs had until January 3, 2012 to serve their Complaint on all defendants. By its Order dated January 18, 2012, (Doc. No. 20), the Court warned Plaintiffs that if they did not serve their

Complaint on the remaining defendants within fourteen (14) days, their case would be dismissed without prejudice. The time has now expired and Plaintiffs have not filed anything with this Court indicating that they served the defendants remaining in this action.

Further, as the Magistrate Judge noted in his M&R, (Doc. No. 18 at 2), Plaintiffs have failed to keep the Court updated on appropriate contact information since September 22, 2011. The Clerk's Office has attempted, unsuccessfully, to send copies of filings to Plaintiffs at the address provided to the Court. By its Order dated January 18, 2012, (Doc. No. 20), this Court ordered Plaintiffs to provide updated contact information within fourteen (14) days. The Court stated that failure to do so would result in the dismissal of all of Plaintiffs' claims against all remaining defendants. (Id.). The time has now expired and Plaintiffs have not provided updated contact information to the Court. Plaintiff's claims against the remaining Defendants in this action are **DISMISSED**.

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint, (Doc. No. 1), is **DISMISSED**.

Signed: February 8, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

