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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 JAMES CHALLINOR,

8 Plaintiff,

9 v.

10 MIDLAND FUNDING, LLC,

11 Defendant.

NO: 2:16-CV-363-RMP

ORDER OF DISMISSAL WITHOUT
PREJUDICE

12 A Complaint was filed in this case on October 13, 2016, ECF No. 1, and the
13 Clerk of Court issued a summons upon Defendant to Plaintiff. ECF No. 2.
14 Pursuant to Fed. R. Civ. P. 4(m), the Complaint must be served upon the
15 Defendant within ninety (90) days of the filing of the Complaint.

16 On January 24, 2017, the Court entered an Order to Show Cause why this
17 case should not be dismissed without prejudice for failure to accomplish service of
18 the Summons and Complaint upon Defendant. Plaintiff was given ten (10) days to
19 provide proof of service or to show cause why the case should not be dismissed.
20 ECF No. 3. Plaintiff has failed to do either.

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ORDER OF DISMISSAL WITHOUT PREJUDICE ~ 1

1 Accordingly, **IT IS HEREBY ORDERED** that this case is **dismissed**
2 **without prejudice** and **without costs to either party.**

3 The District Court Clerk is directed to enter this Order and provide copies to
4 counsel.

5 **DATED** February 7, 2017.

6 *s/ Rosanna Malouf Peterson*
7 _____ **ROSANNA MALOUF PETERSON**
 United States District Judge

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