

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TERRI D. CLEVELAND,

Plaintiff,

v.

Case No. 08-CV-1119

WASHINGTON MUTUAL HOME LOANS, INC.,

Defendant.

ORDER

On December 29, 2008, plaintiff Terri Cleveland filed a complaint naming Washington Mutual Home Loans, Inc., as defendant. The complaint alleges that defendant, as plaintiff's employer, violated Title VII of the Civil Rights Act of 1964 by discriminating against plaintiff on the basis of her gender. Plaintiff paid the filing fee for this action, and filed a certificate of interest.

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, a plaintiff has 120 days after the filing of a complaint to either serve defendant or secure waiver of service. The period to serve the summons and complaint on defendant expired on April 28, 2009, 120 days after plaintiff filed her complaint. On April 27, 2009, plaintiff's counsel filed a brief and affidavit explaining the difficulties counsel has encountered in her attempts to secure waiver of service or, alternatively, to serve defendant as a result of the acquisition of defendant company by another company. Thus, the court, on April 30, 2009, granted plaintiff a twenty (20) day extension to either serve defendant or secure waiver of service. The deadline for that 20-day

extension has since come and gone, yet all indications are that defendant has still yet to be served. As a result, the court must now – as it stated it would in its previous order – dismiss plaintiff’s complaint.

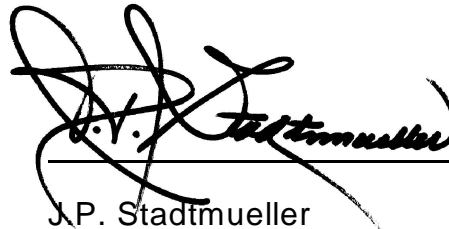
Accordingly,

IT IS ORDERED that this action be and the same is hereby **DISMISSED** without prejudice pursuant to Civil Local Rule 41.1.

The clerk is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 10th day of July, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge