

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARK STREIGHT,

Plaintiff,

v.

BAY AREA CREDIT SERVICE LLC,

Defendant.

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ORDER

10-cv-191-slc

Plaintiff Mark Streight filed this civil action on April 7, 2010, against defendant Bay Area Credit Service and has paid the \$350 filing fee. In an order dated April 27, 2010, I directed plaintiff to serve his complaint on the defendant and submit proof of service as soon as he had it. I told plaintiff that if, by June 25, 2010, he had not submitted proof of service or written to the court to explain why he had not been able to serve his complaint, I would order him to show cause why his case should not be dismissed. The court has not received proof of service from plaintiff or a written explanation of the efforts he has made to serve the defendant. The only document plaintiff has filed is a letter to the clerk of court dated May 11, 2010, in which he asks the court to amend the case caption so that defendant's name reads Bay Area Credit Service LLC. I have amended the caption accordingly.

It is unclear whether plaintiff has served the defendant because he makes no mention of service in his latest submission. Under Fed. R. Civ. P. 4(m), the outside deadline for serving the complaint is August 21, 2010. (Plaintiff's complaint is considered to have been filed on April 23, 2010, when he paid the fee for filing his complaint. One hundred and twenty days from April 23 is August 21, 2010.) At this point, however, I believe it is prudent to require

plaintiff to communicate to the court in writing to inform it of the steps he has taken to serve his complaint on the defendant.

ORDER

IT IS ORDERED that plaintiff may have until July 20, 2010, in which to advise the court in writing what steps he has taken to serve his complaint on the defendant. If, by July 20, 2010, plaintiff fails to respond to this order, the clerk of court is to enter judgment dismissing this action without prejudice for plaintiff's failure to prosecute.

Entered this 6<sup>th</sup> day of July, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge