

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

LIGIA WILSON,

Plaintiff,

v.

COUNTRYWIDE HOME LOANS, INC., et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

CIVIL ACTION

No. 09-2667-KHV

MEMORANDUM AND ORDER

On May 6, 2010, defendants filed their motion to quash service of process. On June 28, 2010, Magistrate Judge David J. Waxse sustained defendants' motion in part. See Memorandum And Order (Doc. #15). As to BAC Home Loans Servicing, L.P., South & Associates, P.C., Donald Ash, Brian Hazel and Nancy W. Wilson, Judge Waxse held that service was ineffective but granted plaintiff until July 19, 2010 to re-serve defendants. See id. at 6-14. As to Countrywide Home Loans, Inc., Andrew Gissinger, III and Preston R. James, Judge Waxse noted that the record did not reflect any attempted service of process and directed plaintiff to show cause why the Court should not dismiss the complaint as to these defendants. See id. at 5-6, 15. On August 27, 2010, the Court granted plaintiff an extension of time to September 7, 2010 to re-serve BAC Home Loans Servicing, L.P., South & Associates, P.C., Donald Ash, Brian Hazel and Nancy W. Wilson and to respond to the show cause order. Plaintiff has not filed a response or shown that she has re-served the defendants. This matter is before the Court on Defendants' Motion To Dismiss Plaintiff's Complaint For Lack Of Prosecution With Suggestions In Support (Doc. #19) filed September 10, 2010.

For substantially the reasons stated in the Memorandum And Order (Doc. #18) and the Memorandum And Order (Doc. #15), and under Rule 4(m) of the Federal Rules of Civil Procedure, the Court dismisses plaintiff's complaint without prejudice.

IT IS THEREFORE ORDERED that Defendants' Motion To Dismiss Plaintiff's Complaint For Lack Of Prosecution With Suggestions In Support (Doc. #19) filed September 10, 2010 be and hereby is **SUSTAINED**. The Court dismisses plaintiff's Complaint For Fraud, Complaint For Collusion, And Emergency Motion To Stay Pending Hearing (Doc. #1) without prejudice.

Dated this 3rd day of November, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge