

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

MOHAMMAD RAFIQ,

Plaintiff,

v.

WILSHIRE CREDIT CORP.,
BAC HOME LOANS, AMY KOLTZ,
and BANK OF AMERICA,

Defendants.

ORDER

10-cv-752-wmc

Judgment was entered on April 22, 2011, dismissing this case without prejudice for plaintiff Mohammad Rafiq's failure to prosecute it after the 120 day deadline for serving his complaint had passed. Now before the court is a request for verification of case status by defendants Wilshire Credit Corp., BAC Home Loans Servicing, LP and Bank of America Corporation.

Because, plaintiff failed to file the required proof of service or show good cause for his failure to do so, Fed. R. Civ. P. 4(m), the clerk of court appropriately entered judgment eight days after plaintiff's 120-day deadline had passed. However, because dismissal of this action was without prejudice, plaintiff may re-file his case at a later time, under a new case number. Plaintiff should be aware that he will owe a new \$350 filing fee and he will be required to re-serve his complaint on the defendants. At this time however, defendants do not need to respond to the complaint filed under case no. 10-cv-752-wmc and this action remains closed.

ORDER

IT IS ORDERED that defendants Wilshire Credit Corp., BAC Home Loans Servicing, LP and Bank of America Corporation's motion for verification of the case status is GRANTED. Defendants are not required to respond to plaintiff's complaint. Plaintiff remains free to re-file his case as discussed above.

Entered this 18th day of May, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge