

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

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BETTYE J. LAWRENCE,

Plaintiff,

v.

VAUGHN REGSTEAD-SLUMBERLAND FURNITURE  
and WELLS FARGO NATIONAL BANK,

Defendants.  
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ORDER

05-C-540-C

Plaintiff Bettye J. Lawrence is proceeding pro se in this civil action in which she alleges that defendants discriminated against her on the basis of her age, race and disability when they refused to exchange defective merchandise she purchased from defendant Slumberland and financed through defendant Wells Fargo. Plaintiff filed her complaint on September 16, 2005, by paying the filing fee. Pursuant to Fed. R. Civ. P. 4(m), she had 120 days to serve her complaint on the defendants. The process has been fraught with difficulties.

In an order dated October 5, 2005, Magistrate Judge Stephen Crocker provided plaintiff with information on how to serve a corporation and asked her to file proof of service

of her complaint on the defendants no later than November 30, 2005. Subsequently, plaintiff submitted to the court two postal receipts indicating that she had mailed her complaint to defendants' business addresses. Because that was not sufficient proof of service, I entered an order dated December 27, 2005, again explaining the procedure for serving a corporation. I told plaintiff that she would have an extended deadline of January 4, 2006, in which to obtain waiver forms from the defendants. I explained that if defendants did not return the waiver forms, plaintiff would have until January 12, 2006 (the 120th day for serving her complaint under Fed. R. Civ. P. 4(m)), in which to submit proof that she had served defendants personally with her complaint.

On December 30, 2005, plaintiff asked that her January 12 deadline be extended at least 30 more days. I granted this request in an order dated January 3, 2006. However, I told plaintiff that if, by February 17, 2006, she failed to file with the court either 1) copies of signed waiver forms; or, 2) (and only if defendants do not return the waiver forms to plaintiff) an affidavit from a law enforcement officer or other suitable person over the age of 18 showing that a summons and her complaint were served on the defendants personally, I would dismiss this case without prejudice to her refiling her case at some future time. The February 17 deadline is now passed, and plaintiff still has not submitted signed waiver forms or an affidavit reflecting that her complaint has been served personally on the defendants. Therefore, I must dismiss this case without prejudice to plaintiff's filing a new complaint at

some future time.

ORDER

IT IS ORDERED that this case is DISMISSED without prejudice.

Entered this 27th day of February, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge