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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FRANCIS,

Plaintiff,

No. CIV S-09-0640 JAM GGH P

vs.

MATTHEW CATE, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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By an order filed October 6, 2009, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 form and other documents necessary to effect service on defendant Snell. In a letter dated October 11, 2009 (filed in this court on October 15, 2009), plaintiff indicated that he would be transferring to Corcoran State Prison the following week and that he might need additional time to locate defendant Snell. He also indicated that he would provide his change of address when able. However, no address change has been forthcoming and some ninety days have passed since issuance of the order permitting plaintiff sixty days to provide the necessary information to effect service of defendant Snell.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Snell be dismissed from this action without prejudice. See Fed. R. Civ. P. 41(b).

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