1	
2	
3	
4	
5	
6	
7	
8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	JOHN FRANCIS,
11	Plaintiff, No. CIV S-09-0640 JAM GGH P
12	VS.
13	MATTHEW CATE, et al.,
14	Defendants. <u>FINDINGS & RECOMMENDATIONS</u>
15	/
16	By an order filed October 6, 2009, this court ordered plaintiff to complete and
17	return to the court, within sixty days, the USM-285 form and other documents necessary to effect
18	service on defendant Snell. In a letter dated October 11, 2009 (filed in this court on October 15,
19	2009), plaintiff indicated that he would be transferring to Corcoran State Prison the following
20	week and that he might need additional time to locate defendant Snell. He also indicated that he
21	would provide his change of address when able. However, no address change has been
22	forthcoming and some ninety days have passed since issuance of the order permitting plaintiff
23	sixty days to provide the necessary information to effect service of defendant Snell.
24	Accordingly, IT IS HEREBY RECOMMENDED that defendant Snell be
25	dismissed from this action without prejudice. See Fed. R. Civ. P. 41(b).
26	
	1

1	These findings and recommendations will be submitted to the United States
2	District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within
3	twenty-one days after being served with these findings and recommendations, plaintiff may file
4	written objections with the court. The document should be captioned "Objections to Findings
5	and Recommendations." Plaintiff is advised that failure to file objections within the specified
6	time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
7	(9th Cir. 1991).
8	DATED: January 19, 2010
9	/s/ Gregory G. Hollows
10	
11	UNITED STATES MAGISTRATE JUDGE
12	GGH:009/035 fran0640.fusm
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
	2

I