

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

KEVIN JACKSON,

Plaintiff,

No. 2:09-cv-3234 WBS KJN P

vs.

TESIE R. RALLOS, M.D., et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/


Plaintiff is a state prisoner proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. On July 1, 2010, plaintiff filed a status report indicating an inability to locate defendant Noreiga. (Id. at 1-2.) Plaintiff stated he is prepared to dismiss defendant Noreiga to avoid delaying the progress of this case. (Id. at 2.) On September 4, 2010, defendants filed their status report. Defendants expressed no objection or opinion on the dismissal of this defendant.

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

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
3 objections shall be filed and served within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: September 8, 2010

7
8
9 
10 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

11 jack3234.57