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

BILLY PAUL BIRDWELL, II,

Plaintiff,

No. CIV S-10-0719 KJM GGH P

vs.

M. CATES, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By an order filed April 29, 2011, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 forms necessary to effect service on defendant Petersen.¹ That sixty day period has since passed, and plaintiff has not responded in any way to the court’s order regarding defendant Petersen.

IT IS HEREBY RECOMMENDED that defendant Petersen be dismissed from this action. See Fed. R. Civ. P. 41(b).

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file

¹ A prior attempt to served this defendant was unsuccessful.

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

6 DATED: August 22, 2011

7 /s/ Gregory G. Hollows
8 UNITED STATES MAGISTRATE JUDGE

9 GGH: AB
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