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

RONALD ROSE,

Plaintiff,

CIV. NO. S-10-3250 KJM GGH PS

vs.

AMERICAN HOME MORTGAGE
SERVICING, INC., et al.,

Defendant.

FINDINGS & RECOMMENDATIONS

By order filed July 25, 2011, plaintiff was ordered to show cause, within fourteen days, why defendant Option One Mortgage should not be dismissed for failure to serve this defendant in compliance with Federal Rule of Civil Procedure 4(m). Plaintiff has responded to the court’s order, explaining his understanding that Option One Mortgage is no longer in business.

IT IS HEREBY RECOMMENDED that defendant Option One Mortgage be dismissed without prejudice. See Local Rule 11-110; 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 fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge's

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
2 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
3 F.2d 1153 (9th Cir. 1991).

4 DATED: September 26, 2011

5 /s/ Gregory G. Hollows
6 UNITED STATES MAGISTRATE JUDGE

GGH:076/Rose3250.opt.wpd

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