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

EDWIN CHAVEZ,  
Plaintiff,

vs.

MOERDYK,  
Defendant.

CASE NO. CV-F-05-1459 LJO DLB P

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND  
DISMISSING DEFENDANT MOERDYK  
WITHOUT PREJUDICE, THUS CONCLUDING  
THIS ACTION IN ITS ENTIRETY

Plaintiff Edwin Eduardo Chavez (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On September 3, 2008, the Magistrate Judge filed a [Findings and Recommendations](#) recommending that defendant Moerdyk be dismissed from the action on the grounds that plaintiff was unable to provide further information to facilitate service by the United States Marshal upon defendant Moerdyk. The Findings and Recommendations was served on plaintiff and contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days.

Plaintiff filed an [Objection](#) to the Findings and Recommendations on October 10, 2008. Plaintiff indicates that services to locate the defendant will be rendered between October 16, 2008 and November 20, 2008. However, Plaintiff has still not provided an address or any other information to locate and

1 effect service upon defendant Moerdyk.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de  
3 novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and  
4 Recommendations to be supported by the record and by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations, filed September 3, 2008, is adopted in full, and
- 7 2. Defendant Moerdyk is dismissed from this action, without prejudice, thus concluding this  
8 action in its entirety.

9 IT IS SO ORDERED.

10 **Dated: February 5, 2009**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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