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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STANLEY H. SOLVEY,

CASE NO. 1:07-cv-00182-LJO-GSA PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
DEFENDANT VOSS FROM ACTION
PURSUANT TO RULE 4(M)

v.

JAMES TILTON, et al.,

(Doc. 97)

Defendants.

Plaintiff Stanley H. Solvey, a prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 and California law. The action is proceeding on Plaintiff’s amended complaint, filed June 20, 2007, on Plaintiff’s Eighth Amendment and state law tort claims arising from his exposure to and illness from Valley Fever, and the treatment of his subsequent medical issues and complaints by prison staff members.

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, and on November 20, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) recommending dismissal of M. C. Voss, an unserved defendant, pursuant to Federal Rule of Civil Procedure 4(m). Plaintiff filed an [Objection](#) on December 21, 2009.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis. Accordingly, it is **HEREBY ORDERED** that:

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1. The Findings and Recommendations, filed November 20, 2009, is adopted in full;
and
2. Defendant Voss is dismissed from this action based on Plaintiff's failure to provide information sufficient for the United States Marshal to effect service of process. Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

Dated: January 5, 2010

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