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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RODNEY LAMONT DOWD,	1:07-CV-01505-OWW-DLB PC	
Plaintiff,		ORDER ADOPTING FINDINGS AND
		RECOMMENDATIONS AND DISMISSING
v.		DEFENDANT ARGUERRALDE FROM
		ACTION WITHOUT PREJUDICE
JAMES A. YATES, et al.,	(DOC. 84)	
Defendants.		

_____ /

Plaintiff Rodney Lamont Dowd ("plaintiff") is a California state prisoner proceeding pro se and in forma pauperis 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 302.

On December 8, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within fourteen days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on December 17, 2010.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having

1 carefully reviewed the entire file, the Court finds the Findings
2 and Recommendations to be supported by the record and by proper
3 analysis.

4 The Court has directed the United States Marshals Service to
5 serve process on Defendant Arguerralde, based on Plaintiff's
6 spelling of Defendant's name, on three occasions. After all three
7 attempts, the United State Marshal was unable to locate Defendant
8 Arguerralde, and the USM-285 forms were returned unexecuted each
9 time. Docs. 29, 67, 80. The Marshals Service has satisfied its
10 statutory duty in attempting to effect service of process. See
11 *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994), *abrogated*
12 *in part on other grounds, Sandin v. Conner*, 515 U.S. 472 (1995).
13 Plaintiff failed to provide sufficient information for the Marshal
14 to effect service of process. Defendant Arguerralde will be
15 dismissed.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The [Findings and Recommendations](#), filed December 8, 2010,
18 is adopted in full; and
- 19 2. Defendant Arguerralde is DISMISSED from this action
20 without prejudice for failure to effect service of
21 process pursuant to Federal Rule of Civil Procedure 4(m).

22 IT IS SO ORDERED.

23 **Dated: January 25, 2011**

24 **/s/ Oliver W. Wanger**
25 **UNITED STATES DISTRICT JUDGE**