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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,

Plaintiff,

v.

SGT. DAVIS, et al.,

Defendants.

CASE NO. 1:07-cv-01632-AWI-GSA PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
DEFENDANTS GUS AND CAS FROM
ACTION

(Doc. 78)

/

Plaintiff Michael Lenoir Smith is a 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 72-302.

On October 23, 2009, the Magistrate Judge recommended that Defendants Gus and Cas be 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). The parties were given thirty days within which to file objections, and none have been filed.

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:

- 1. The Findings and Recommendations, filed October 23, 2009, is adopted in full; and

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2. Defendants Gus and Cas are 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: December 7, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE