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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAMON REYMUNDO,

Plaintiff,

v.

JAMES HARTLEY, et al.,

Defendants.

CASE NO. 1:08-CV-01900-OWW-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
DEFENDANT ROLAND FROM ACTION
WITHOUT PREJUDICE

(DOC. 33)

Plaintiff Ramon Reymundo (“Plaintiff”) is a former California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On July 30, 2010, the Court issued an order directing the United States Marshal to initiate service of process on Defendant Roland. Doc. 20. The United States Marshal was unable to locate and serve Defendant Roland, and on October 19, 2010, returned the USM-285 form and the summons unexecuted. On May 20, 2011, the Court issued an order to show cause why Defendant Roland should not be dismissed for failure to effect service of process. 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 August 4, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) 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. Doc. 33. Neither party filed a timely Objection to the Findings and Recommendations.

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 carefully reviewed the entire file, the Court finds the Findings and

1 Recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed August 4, 2011, is adopted in full; and
4 2. Defendant Roland is dismissed from this action without prejudice for failure to effect
5 service of process pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

6 IT IS SO ORDERED.

7 **Dated:** September 6, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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