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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

NICK WOODALL,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

CASE NO. 1:08-CV-01948-OWW-DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION AND DISMISSING  
DEFENDANT VALDEZ FROM ACTION

(DOC. 93)

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Plaintiff Nick Woodall (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The United States Marshal was effecting service of process on behalf of Plaintiff in this action. On March 25, 2011, the United States Marshal, who was attempting to effect service of process on Defendant Valdez, returned the summons unexecuted. 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 June 7, 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 thirty days. 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 June 7, 2011, is adopted in full;
- 4 2. Defendant Valdez is dismissed without prejudice from this action for failure to effect  
5 service of process pursuant to Federal Rule of Civil Procedure 4(m).

6 IT IS SO ORDERED.

7 **Dated:** July 14, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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