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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM P. GARCIA,
Plaintiff,
v.
KEN CLARK, et al.,
Defendants.

CASE NO. 1:10-cv-00447-LJO-DLB PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
DEFENDANT A. SEINEZ FROM ACTION
(ECF No. 71)

Plaintiff William P. Garcia (“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 unsuccessful in attempting to effect service of process on Defendant A. Seinez, and on May 11, 2012, returned the summons unexecuted. ECF No. 68. 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 1, 2012, 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. ECF No. 71. No 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 Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed June 1, 2012, is adopted in full; and
2. Defendant A. Seinez is dismissed from this action without prejudice for failure to effect service of process pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: July 10, 2012

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