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

LUIS VALENZUELA RODRIGUEZ,  
  
                    Plaintiff,  
  
          v.  
  
HUBBARD, et al.,  
  
                    Defendants.

Case No. 1:10-cv-00858 LJO DLB PC  
  
FINDINGS AND RECOMMENDATION  
REGARDING DISMISSAL OF  
DEFENDANTS HUBBARD, CATE,  
HARRINGTON, SOTO, GRISSOM, DAVIS,  
FOSTER, AND FREIR  
  
[ECF No. 100]  
  
FOURTEEN-DAY DEADLINE

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Plaintiff Luis Valenzuela Rodriguez, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 5, 2010. This action is proceeding on Plaintiff’s third amended complaint against Defendants Hubbard, Cate, Harrington, Biter, Soto, Phillips, Da Veiga, Ozaeta, Betzinger, Gregory, Garza, Wegman, Alic, Grissom, Speidell, Davis, Foster, Freir, and Rankin (“Defendants”) on claims of violation of the Free Exercise Clause of the First Amendment, violation of the Equal Protection Clause of the Fourteenth Amendment, retaliation in violation of the First Amendment, and deliberate indifference to Plaintiff’s safety in violation of the Eighth Amendment.

To date, Plaintiff has not effected service on Defendants Hubbard, Cate, Harrington, Soto, Grissom, Davis, Foster, and Freir.

On September 25, 2014, the Court issued an order requiring Plaintiff to show cause why

1 Defendants Hubbard, Cate, Harrington, Soto, Grissom, Davis, Foster, and Freir should not be  
2 dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff was granted  
3 twenty (20) days to show cause. More than twenty days have passed and Plaintiff has failed to  
4 show cause or respond to the Court's order. Plaintiff was forewarned that failure to respond to the  
5 order or failure to show good cause would result in dismissal of the above-stated Defendants.

6 **RECOMMENDATION**

7 Accordingly, the Court RECOMMENDS that Defendants Hubbard, Cate, Harrington,  
8 Soto, Grissom, Davis, Foster and Freir be DISMISSED from the action.

9 These Findings and Recommendations are submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)  
11 days after being served with these Findings and Recommendations, any party may file written  
12 objections with the court. Such a document should be captioned "Objections to Magistrate  
13 Judge's Findings and Recommendations." The parties are advised that failure to file objections  
14 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
15 Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991).

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17 IT IS SO ORDERED.

18 Dated: October 29, 2014

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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