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

RICHARD PAREDEZ,

Plaintiff,

v.

RAMIREZ, et al.,

Defendants.

Case No. 1:10-cv-01672-AWI-DLB PC

**FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DISMISSAL OF  
ACTION WITHOUT PREJUDICE**

ECF Nos. 24, 25

**OBJECTIONS, IF ANY, DUE WITHIN  
FOURTEEN DAYS**

Plaintiff Richard Paredez (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s First Amended Complaint against Defendant Ramirez for violation of the First Amendment.

On April 19, 2013, the United States Marshal, who must effect service of process on behalf of plaintiffs proceeding in forma pauperis, returned a summons for Defendant Ramirez unexecuted. ECF No. 24. According to the USM-285 form, there are eleven individuals with the last name Ramirez who work at Pleasant Valley State Prison. On April 23, 2013, the Court ordered Plaintiff to show cause within twenty-one days why this action should not be dismissed for failure to provide sufficient information for the United States Marshal to effect service of process. ECF No. 25. As of the date of this order, Plaintiff has not responded.

Where a pro se, in forma pauperis plaintiff fails to provide the Marshal with accurate and sufficient information to effect service of the summons and complaint, the Court’s sua sponte

1 dismissal of the unserved defendants is appropriate. *Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th  
2 Cir. 1994) (quoting *Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir. 1990)), *abrogated in part on*  
3 *other grounds, Sandin v. Conner*, 515 U.S. 472 (1995). Because Defendant Ramirez is the only  
4 Defendant in this action, the Court will recommend dismissal of this action.

5 Accordingly, it is HEREBY RECOMMENDED that this action be dismissed, without  
6 prejudice, pursuant to Federal Rule of Civil Procedure 4(m).

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

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16 IT IS SO ORDERED.

17 Dated: May 29, 2013

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE