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

MARQUES BUTLER, ) Case No.: 1:12-cv-01538-LJO-SAB (PC)  
 )  
Plaintiff, )  
 )  
v. ) ORDER ADOPTING FINDINGS AND  
 ) RECOMMENDATION, DISMISSING  
R. WERN, et al., ) DEFENDANT WERN FROM ACTION, WITHOUT  
 ) PREJUDICE, PURSUANT TO RULE 4(M) OF THE  
Defendants. ) FEDERAL RULES OF CIVIL PROCEDURE  
 ) [ECF No. 37]  
 )

Plaintiff Marques Butler is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 24, 2015, the Magistrate Judge filed a Findings and Recommendation which was served on the parties and which contained notice to the parties that Objections to the Findings and Recommendations were to be filed within thirty days. Plaintiff filed objections on July 30, 2015.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, 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 on June 24, 2015, is adopted in full; and
2. Defendant Wern is DISMISSED, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO ORDERED.

Dated: August 3, 2015

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