1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	RASHAD KING,	No. 1:15-cv-01885-DAD-BAM
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING
14	S. HOLLAND et al.,	DISMISSAL OF DEFENDANT SOLIS FOR FAILURE TO PROVIDE SUFFICIENT
15	Defendants.	INFORMATION TO EFFECTUATE SERVICE
16		(Doc. No. 45)
17		(100.110.43)
18		
19		
20	Plaintiff Rashad King is a state prisoner proceeding pro se and in forma pauperis in this	
21	civil rights action under 42 U.S.C. § 1983. On May 12, 2017, the assigned magistrate judge	
	1 0 1 1 1 1 1 1 1	

Plaintiff Rashad King is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. On May 12, 2017, the assigned magistrate judge issued findings and recommendations, recommending that defendant Solis be dismissed from this action, without prejudice, based on plaintiff's failure to effect service of the summons and complaint as required by Federal Rule of Civil Procedure 4(m). (Doc. No. 45.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.*) Plaintiff subsequently filed a document entitled "Motion Showing Cause Why Defendant Solis Should not be dismissed from this

Action," dated May 25, 2017, which the court will construe as plaintiff's objections to the findings and recommendations. (Doc. No. 48.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this 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.

In his objections, plaintiff contends he provided sufficient information to effect service on defendant Solis, and that he had no knowledge of defendant Solis's termination from employment because such information is prohibited from disclosure to inmates. Plaintiff states that CDCR or CCI State Prison will have the last known address or contact information for defendant Solis. The court finds that plaintiff's objections provide no basis for rejecting the magistrate judge's findings and recommendations. As noted in the findings and recommendations, the magistrate judge has on two occasions directed the United States Marshal to serve defendant Solis using the last known contact information provided by CDCR. The Marshal indicated that the telephone number provided was incorrect, and the waiver packet was returned to sender. (Doc. No. 33; *see also* Doc. No. 21.) Plaintiff has provided no new or additional information that would allow the Marshal to effect service of process on defendant Solis.

Accordingly,

- 1. The May 12, 2017 findings and recommendations (Doc. No. 45) are adopted in full;
- Defendant Solis is dismissed from this action, without prejudice, due to plaintiff's
 failure to effect service of the summons and complaint as required by Federal Rule of
 Civil Procedure 4(m); and
- 3. This matter is referred back to the assigned magistrate for proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **August 8, 2017**

JNITED STATES DISTRICT JUDGE