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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 JEREMY JONES,

12 Plaintiff,

13 vs.

14 ARNETTE, et al.,

15 Defendants.  
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1:16-cv-01212-ADA-GSA-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL

(Doc. No. 122.)

ORDER DISMISSING DEFENDANTS  
VASQUEZ AND LOPEZ FROM THIS CASE  
BASED ON PLAINTIFF'S FAILURE TO  
EFFECT SERVICE

(Doc. No. 69.)

20 Plaintiff Jeremy Jones ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*  
21 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983 and the Americans with  
22 Disabilities Act (ADA), 42 U.S.C. § 12132. The matter was referred to a United States  
23 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

24 On February 1, 2022, the assigned magistrate judge issued findings and  
25 recommendations, recommending that Defendants Vasquez and Lopez be dismissed without  
26 prejudice from this case pursuant to Rule 4(m), based on Plaintiff's failure to effect service.  
27 (Doc. No. 122.) On February 15, 2022, Plaintiff filed objections to the findings and  
28 recommendations. (Doc. No. 123.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted  
2 a *de novo* review of the case, including Plaintiff's objections. Having carefully reviewed the  
3 entire file, the court finds the findings and recommendations to be supported by the record and  
4 by proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued by the magistrate judge on February 1,  
7 2022, are adopted in full;
- 8 2. Defendants Vasquez and Lopez are dismissed from this case without prejudice  
9 pursuant to Rule 4(m), based on Plaintiff's failure to effect service;
- 10 3. The Clerk is directed to reflect on the docket that Defendants Vasquez and Lopez  
11 are dismissed from this case;
- 12 4. This case now proceeds with Plaintiff's ADA claims against Defendants Keener,  
13 Gonzalez, Flores, Arnett,<sup>1</sup> and Zamora; Plaintiff's Eighth Amendment claims  
14 against Defendants Keener and Gonzalez; and Plaintiff's due process claims  
15 against Defendants Keener and Gonzalez; and
- 16 5. This case is referred back to the magistrate judge for all further proceedings,  
17 including the issuance of a new scheduling order.

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20 IT IS SO ORDERED.

21 Dated: September 6, 2022

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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Sued as Arnette.