

1 Federal Rules of Civil Procedure “permits a district court to enlarge the time for service ‘even if
2 there is no good cause shown.’” (*Id.*) (quoting *Henderson v. United States*, 517 U.S. 654, 658 n.5
3 (1996)). The findings and recommendations noted that service upon defendant Tegtmeier was
4 accomplished, and that the delay in service would not hamper his ability to defend the claims
5 brought against him in light of the current procedural posture of the action. (*Id.* at 6.) Therefore,
6 the magistrate judge recommended that defendant Tegtmeier’s motion to dismiss for untimely
7 service be denied. In addition, the magistrate judge recommended that defendant Tegtmeier’s
8 request to join the prior motion be granted in light of plaintiffs’ non-opposition. (*Id.* at 7.)

9 Plaintiffs were given fourteen days to file objections to the recommendations. (*Id.*) To
10 date, no objections have been filed and the time period for doing so has expired.

11 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court conducted a *de*
12 *novo* review of the case. Having carefully reviewed the file, the court finds the findings and
13 recommendations are supported by the record and proper analysis.

14 Accordingly,

- 15 1. The findings and recommendations issued October 5, 2018 (Doc. No. 48) are
16 adopted in full;
- 17 2. Defendant Tegtmeier’s motion to dismiss pursuant to Rule 12(b)(5) (Doc. No. 39)
18 is denied;
- 19 3. Defendant Tegtmeier’s request to join the other defendants’ prior motion for
20 misjoinder and to dismiss is granted; and
- 21 4. The Clerk of the Court shall file a copy of this order in *Medina v. Kernan et al.*,
22 Case No. 1:19-cv-00345-DAD-JLT.

23 IT IS SO ORDERED.

24 Dated: March 18, 2019

25 
26 UNITED STATES DISTRICT JUDGE