

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK SHANE THOMPSON,	)	Case No.: 1:18-cv-00125-NONE-SAB (PC)
	)	
Plaintiff,	)	
	)	<u>ORDER ADOPTING FINDINGS AND</u>
v.	)	<u>RECOMMENDATION</u>
	)	
A. GOMEZ, et al.,	)	(Doc. Nos. 58, 59)
	)	
Defendants.	)	
	)	
	)	

Plaintiff Mark Shane Thompson is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 27, 2020, the magistrate judge issued findings and recommendations recommending that plaintiff's motion to amend the complaint to substitute the identity of doe defendant number 1 as D. Johnson be granted, and doe defendant number 2 be dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m). (Doc. No. 59.) The findings and recommendations were served on plaintiff and contained notice that objections were due within fourteen (14) days. (*Id.*) No objections were filed and the time to do so has now expired.

///  
///

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court  
2 has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds  
3 the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The January 27, 2020 findings and recommendations (Doc. No. 59) are adopted in full;  
6 and
- 7 2. Plaintiff's motion to amend the complaint to substitute the identity of doe defendant  
8 number 1 as D. Johnson is granted;
- 9 3. Defendant D. Johnson is substituted in place of doe defendant number 1 as identified in  
10 the complaint (Doc. No. 1);
- 11 4. Defendant doe number 2 is dismissed from the action, without prejudice, for failure to  
12 identify and effectuate service pursuant to Federal Rule of Civil Procedure 4(m); and
- 13 5. The matter is referred back to the magistrate judge for initiation of service of process  
14 on defendant D. Johnson.

15  
16 IT IS SO ORDERED.

17 Dated: February 24, 2020

18   
UNITED STATES DISTRICT JUDGE