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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE RENE FLOYD,

Plaintiff,

No. CIV S-08-2346 WBS CKD P

vs.

N. GRANNIS, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is a California prisoner proceeding pro se. On April 7, 2009, the court indicated that service of process is appropriate for defendant Mikelatos. To date, plaintiff has not provided the court with the information necessary to complete service. On December 2, 2011, the court ordered plaintiff to show cause why Mikelatos should not be dismissed. In response to the order to show cause, plaintiff essentially requests 120 more days to locate Mikelatos. However, plaintiff fails to point to anything suggesting he will have any more success locating Mikelatos in the next 120 days than he has had over the last 2 /12 years.

Accordingly, IT IS HEREBY ORDERED that plaintiff's December 19, 2011 request for an extension of time to provide the court with the information necessary to serve defendant Mikelatos is denied; and

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1 IT IS HEREBY RECOMMENDED that defendant Mikelatos be dismissed
2 without prejudice.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
5 one days after being served with these findings and recommendations, plaintiff may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
8 within the specified time may waive the right to appeal the District Court's order. Martinez v.
9 Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: December 30, 2011

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12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

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