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

JEFFREY E. WALKER,

Plaintiff,

No. CIV S-09-0642 WBS KJM P

vs.

A.H. WHITTEN, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_/

By an order filed February 8, 2010, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 forms necessary to effect service on defendant E. Moore. That sixty day period has since passed, and plaintiff has not responded in any way to the court’s order.

IT IS HEREBY RECOMMENDED that defendant E. Moore be dismissed from this action. See Fed. R. Civ. P. 41(b).

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified

1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
2 (9th Cir. 1991).

3 DATED: April 15, 2010.

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5 U.S. MAGISTRATE JUDGE

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