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

HARITHARAN MAHALINGAM,

Plaintiff,

CIV S-09-658 FCD KJM PS

v.

INTEL CORPORATION,

Defendant.

FINDINGS & RECOMMENDATIONS

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This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21). As provided by Federal Rule of Civil Procedure 4(m), the court may dismiss an action where service of summons is not made within 120 days after the filing of the complaint. In the order setting status conference, filed July 28, 2009, plaintiff was cautioned that this action might be dismissed if service was not timely completed. This action was filed March 10, 2009 and plaintiff has not yet served defendant with summons.

A status conference was held before the undersigned on December 16, 2009. Plaintiff failed to appear. It appears plaintiff has abandoned this litigation.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen

1 days after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Findings and Recommendations.” Any reply to the objections shall be served and
4 filed within fourteen days after service of the objections. The parties are advised that failure to
5 file objections within the specified time may waive the right to appeal the District Court's order.

6 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

7 DATED: December 16, 2009.

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11 U.S. MAGISTRATE JUDGE