

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

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

ULYSSES DAVIS, JR.,

Plaintiff,

No. 2:09-cv-0832 FCD KJN P

vs.

CHAPLAIN JUMAH, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_/

By an order filed August 25, 2010, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 form necessary to effect service on sole remaining defendant Jumah.<sup>1</sup> 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 this action be dismissed without prejudice. 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

\_\_\_\_\_  
<sup>1</sup> Although plaintiff initially sued numerous defendants, on September 2, 2009, plaintiff filed an amended complaint naming only defendants Walker, Jumah and Beoke. (Dkt. No. 12.) By order filed June 28, 2010, defendants Walker and Beoke were dismissed from this action. (Dkt. No. 21.)

1 twenty-one days after being served with these findings and recommendations, plaintiff may file  
2 written objections with the court. The document should be captioned "Objections to Findings  
3 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
4 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
5 (9th Cir. 1991).

6 DATED: November 4, 2010

7  
8  
9   
10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE

12 /davi0832.fus  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26