IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RUSSELL BERNARDINI,

Plaintiff, No. CIV S-09-1134 FCD GGH PS

vs.

JAMES WALKER, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

_____/

By an order filed November 16, 2009, this court ordered plaintiff to complete and return to the court, within twenty-eight days, the USM-285 forms necessary to effect service on defendants. That twenty-eight 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)(l). 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

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

DATED: January 21, 2010

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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