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

JAMES ABEL,

Plaintiff,

No. CIV-S-09-1749 JAM CKD P

vs.

MIKE MARTEL, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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On April 27, 2011, plaintiff was granted sixty days to file a status report regarding service of process on defendant Rodriguez, but no report has been filed. Since process has not been served, and it does not appear that service will take place, IT IS HEREBY RECOMMENDED that defendant Rodriguez be dismissed from this action.

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 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 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the

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

3 Dated: September 26, 2011

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5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

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