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

JAMES ABEL,

Plaintiff,

No. 2:09-cv-1749 JAM CKD P

vs.

MIKE MARTEL, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

On November 18, 2011, plaintiff was ordered to show cause within fourteen days why defendants Kaplan and Walker should not be dismissed for failure to serve process on those defendants within 120 days of the date service of process was approved. Plaintiff has not responded to the court's order to show cause. Accordingly, the court will recommend that defendants Walker and Kaplan be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to serve process.

In accordance with the above, IT IS HEREBY RECOMMENDED that defendants Kaplan and Walker be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

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

6 Dated: August 21, 2012

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9 CAROLYN K. DELANEY  
10 UNITED STATES MAGISTRATE JUDGE

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12 <sup>1</sup>  
13 abel1749.dis