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

ROY LARRY,

Plaintiff,

No. CIV S-09-2179 GEB GGH PS

vs.

JP MORGAN CHASE BANK, N.S., et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

By order filed August 23, 2010, plaintiff was ordered to show cause, within twenty-eight days, why his action should not be dismissed for failure to serve. Fed. R. Civ. P. 4(m). The twenty-eight day period has now expired, and plaintiff has not shown cause or otherwise responded to the court’s order.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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 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

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: October 29, 2010

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/s/ Gregory G. Hollows  

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UNITED STATES MAGISTRATE JUDGE

GGH:035  
larry.fsc