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

ROBERT P. BENYAMINI,

Plaintiff,

No. CIV S-09-2462 DAD P

vs.

J.D. HARRIS, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____ /

By order filed June 28, 2010, this court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 forms necessary to effect service on defendants. That thirty day period has since passed, and plaintiff has not responded in any way to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

Also, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See 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 twenty-one days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
2 failure to file objections within the specified time may waive the right to appeal the District
3 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: August 25, 2010.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

10 DAD:sj
11 beny2462.fusm
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