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

MICHAEL A. BARRERA,

Plaintiff,

No. CIV S-09-3220 JAM EFB PS

vs.

SUSAN HUBBARD, CMF Warden;
DR. BICK, CMF Medical Officer;
DR. DITOMAS, CMF Doctor,

Defendants.

FINDINGS AND RECOMMENDATIONS

This case, in which plaintiff is proceeding *in propria persona*, was referred to the undersigned under Local Rule 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1).

On May 4, 2010, the court found that the complaint stated a cognizable claim against defendant DiTomas, but not as to defendants Hubbard or Bick. Plaintiff's claims against defendant Hubbard and Bick were dismissed with leave to amend. The court gave plaintiff thirty days to submit materials for service of process on defendant DiTomas, or, alternatively, to file an amended complaint to attempt to state cognizable claims against defendants Hubbard and Bick.

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1 The times for acting passed and plaintiff did not submit the materials necessary to serve process,
2 nor did he file an amended complaint.¹

3 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without
4 prejudice. *See* Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
10 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: July 27, 2010.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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25 ¹ Although it appears from the file that plaintiff’s copy of the order was returned,
26 plaintiff was properly served. It is the plaintiff’s responsibility to keep the court apprised of his
current address at all times. Pursuant to Local Rule 182(f), service of documents at the record
address of the party is fully effective.