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

ROBERT JULIUS CHATMAN et al.,

Plaintiffs,

No. 10-cv-0141 LKK JFM PS

vs.

BANK OF AMERICA HOME LOANS  
et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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Plaintiffs are proceeding pro se and in forma pauperis with this action. On March 30, 2010, the court ordered the United States Marshal to serve the complaint on two defendants. Service has been effected on defendant Wilbert Thompson, though this defendant has not filed a responsive pleading to date. The Marshal was unable to effect service on defendant Bank of America Home Loans because the name provided on the summons was incorrect.

By an order filed October 15, 2010, this court ordered plaintiffs to complete and return to the court, within twenty days, the USM-285 forms which are required to effect service on defendant Bank of America Home Loans. That twenty day period has since passed, and plaintiffs have not responded in any way to the court's order. Additionally, the court notes that this action was filed on January 19, 2010. Thus, the time for service has passed. See Fed. R. Civ. P. 4(m).

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

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

11 DATED: December 9, 2010.

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14 UNITED STATES MAGISTRATE JUDGE

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