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

LEYNE FERNANDEZ and  
JOSE J. FERNANDEZ,

Plaintiff,

CIV-S-10-0173 MCE GGH PS

vs.

DEUTSCHE BANK  
NATIONAL, et al.,

Defendant.

FINDINGS & RECOMMENDATIONS

By order filed May 27, 2010, plaintiff was ordered to show cause, within fourteen days, why his action should not be dismissed for failure to comply with Federal Rule of Civil Procedure 4(m). The fourteen 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 11-110; 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

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

4 DATED: August 3, 2010

/s/ Gregory G. Hollows

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6 GREGORY G. HOLLOWES  
7 UNITED STATES MAGISTRATE JUDGE

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