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

TIMOTHY J. OSBORNE,

Plaintiff,

No. CIV S-10-0216 EFB P

vs.

GARCIA,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

On April 7, 2011, the court ordered plaintiff, for the fourth time, to submit the USM-285 form necessary to effect service on defendant Garcia within 30 days, and warned plaintiff that failure to do so would result in the case’s dismissal. Plaintiff did not do so, but asked for an extension of time to file an appeal. On April 21, 2011, the court warned plaintiff that he must still timely submit the service documents or his case would be dismissed. The thirty day period has passed, and plaintiff has not submitted the necessary service documents.

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1 Accordingly, it is hereby ORDERED that this action is dismissed without prejudice. *See*
2 Fed. R. Civ. P. 41(b).

3 DATED: June 3, 2011.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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