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

JOSE ANTONIO RODRIGUEZ,

Plaintiff,

No. 2:10-cv-1361 JFM (PC)

vs.

T. MORRISON,

Defendant.

ORDER AND

FINDINGS & RECOMMENDATIONS

_____/

By an order filed August 10, 2010, this court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 forms necessary to effect service on defendant. That thirty day period has since passed, and plaintiff has not responded in any way to the court's order. This actions should be dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED that a district judge be assigned to this case; and

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

These findings and recommendations will be 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

1 written objections with the court. The document should be captioned "Objections to Findings
2 and Recommendations." Any response to the objections shall be filed and served within
3 fourteen days after service of the objections. Plaintiff is advised that failure to file objections
4 within the specified time may waive the right to appeal the District Court's order. Martinez v.
5 Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: October 18, 2010.

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9 UNITED STATES MAGISTRATE JUDGE

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