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

TONY AUSTIN GANT,

Plaintiff,

No. 2: 10-cv-1364 KJN P

vs.

M.D. McDONALD, et al.,

Defendants.

ORDER AND

FINDINGS & RECOMMENDATIONS

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By an order filed February 23, 2011, plaintiff was ordered to complete and return to the court, within sixty days, the USM-285 forms necessary to effect service on defendant Robertson. That sixty day period has since passed, and plaintiff has not responded in any way to the court's order.


Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall assign a district judge to this action; and

IT IS HEREBY RECOMMENDED that the claims against defendant Robertson be dismissed. 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: May 3, 2011

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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