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

ABINADAB ISRAEL,

Plaintiff,

No. CIV S-10-3194 LKK GGH PS

vs.

JUDGE STEVE W. WHITE,
et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

Despite initiating this case on November 29, 2010, plaintiff has not served defendants with any of the three complaints on file. After an order to show cause issued on June 2, 2011, requiring plaintiff to show cause for failure to serve the complaint within 120 days pursuant to Federal Rule of Civil Procedure 4(m), plaintiff responded only by filing a second amended complaint.

In the order to show cause, issued June 2, 2011, plaintiff was informed that the court may dismiss an action where service of summons is not made within 120 days after the filing of the complaint. In the order requiring timely service filed November 29, 2010, plaintiff was cautioned that this action may be dismissed if service was not timely completed. Plaintiff then filed a satisfactory response to the order to show cause.

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1 By order filed June 23, 2011, plaintiff was ordered to serve the second amended
2 complaint within thirty days. Plaintiff was warned that failure to comply with the order would
3 result in a recommendation that this case be dismissed. The thirty day period has now expired,
4 and plaintiff has not served the complaint or otherwise responded to the court's order.

5 IT IS HEREBY RECOMMENDED that this action be dismissed without
6 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

7 These findings and recommendations are submitted to the United States District
8 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
9 days after being served with these findings and recommendations, plaintiff may file written
10 objections with the court. The document should be captioned "Objections to Magistrate Judge's
11 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
12 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
13 F.2d 1153 (9th Cir. 1991).

14 DATED: September 13, 2011

15 /s/ Gregory G. Hollows
16 UNITED STATES MAGISTRATE JUDGE

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