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

HENRY A. JONES,

Plaintiff,

No. 10-cv-3206 MCE EFB P

vs.

SAHOTA, et al.,

Defendants.

ORDER AND  
FINDINGS AND RECOMMENDATIONS

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On August 12, 2011, the court determined that service of the February 9, 2011 amended complaint was appropriate for defendant Suharto. Plaintiff subsequently filed the documents required to effect service of process and on August 2, 2012, the court directed the United States Marshal to serve defendant Suharto. On August 20, 2012, however, plaintiff filed a proof of service purporting to mail to the court a “motion disregarding action against Suharto.” Dckt. No. 110 at 9. Although no such motion was actually filed with the court, it appears that plaintiff no longer wishes to pursue a claim for relief against defendant Suharto.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall serve a copy of this order on the United States Marshal, who shall abandon any efforts to effect service on defendant Suharto.

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1 Further, IT IS HEREBY RECOMMENDED that defendant Suharto be dismissed from  
2 this action without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

3 These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
5 after being served with these findings and recommendations, any party may file written  
6 objections with the court and serve a copy on all parties. Such a document should be captioned  
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
8 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: October 10, 2012.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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