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

LARS ASPENLIND,

Plaintiff,

CIV. NO. S-11-0366 MCE GGH PS

vs.

SPARTAN MORTGAGE SERVICES, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

By order filed November 18, 2011, plaintiff was ordered to show cause, within fourteen days, why defendants Kindopp, North American Title, and California Moving Company should not be dismissed for failure to serve these defendants in compliance with Federal Rule of Civil Procedure 4(m). Pursuant to Rule 4(m), 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 February 9, 2011, plaintiff was cautioned that this action may be dismissed if service was not timely completed. This action was filed February 9, 2011, and plaintiff has not yet served defendants Kindopp, North American Title, and California Moving Company with summons. Furthermore, this court's order of August 9, 2011, reminded plaintiff that these defendants still had not been served. The fourteen day period to show cause has now expired, and plaintiff has not shown cause or otherwise responded to the court's order.

1 IT IS HEREBY RECOMMENDED that defendants Kindopp, North American
2 Title, and California Moving Company be dismissed without prejudice. See Local Rule 11-110;
3 Fed. R. Civ. P. 41(b).

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

11 DATED: December 13, 2011

12 /s/ Gregory G. Hollows
13 UNITED STATES MAGISTRATE JUDGE

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