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

BENNY HERNANDEZ,

Plaintiff,

No. 2:12-cv-2254 AC P

vs.

MIKE McDONALD,

Defendant.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis who seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned. ECF No. 5.

By order filed February 12, 2013, this court ordered plaintiff to complete and return to the court, within twenty-eight days, the USM-285 forms necessary to effect service on defendant. ECF No. 11. A review of the docket reflects that the order was served on plaintiff on February 12, 2013, and, to date, has not been returned.

More than twenty-eight days have passed since the court entered its February 12, 2013 order, and plaintiff has not complied or otherwise responded in any way.

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IT IS HEREBY ORDERED that this action be dismissed without prejudice. See

Fed. R. Civ. P. 41(b).

DATED: April 22, 2013.



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

AC:rb/hern224.fusm