

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

HERBERT E. MILLER,

Plaintiff, No. 2:12-cv-2697 GEB GGH PS

VS.

CITIMORTGAGE, INC., et al.,

FINDINGS & RECOMMENDATIONS

Defendants.

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This action was referred to the undersigned pursuant to Local Rule 302(c)(21).

17 On March 15, 2013, plaintiff was ordered to show cause within fourteen days for his failure to
18 serve defendant Republic with summons. At that time, plaintiff was advised that failure to
19 respond to the order would result in a recommendation that this defendant be dismissed. Plaintiff
20 did not respond to the order to show cause. There is no record that defendant Republic Mortgage
21 Home Loans, LLC (“Republic”) has been served with the complaint. (Dkt. no. 1.) Pursuant to
22 Federal Rule of Civil Procedure 4(m), the court may dismiss an action where service of summons
23 is not made within 120 days after the filing of the complaint. This action was filed on September
24 27, 2012 in state court, and plaintiff has not yet served defendant Republic with summons.

25 Accordingly, IT IS RECOMMENDED that defendant Republic be dismissed from
26 this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within seven (7) days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: June 6, 2013

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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