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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GRESS,  
Plaintiff,  
v.  
CHRISTOPHER SMITH, M.D., et al.,  
Defendants.

No. 2:13-cv-0328 TLN KJN P  
FINDINGS AND RECOMMENDATIONS

By an order filed March 30, 2015, this court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 forms necessary to effect service on defendant Dr. Bruce Barnett. That thirty day period has since passed, and plaintiff has not responded in any way to the court's order.

IT IS HEREBY RECOMMENDED that defendant Dr. Bruce Barnett be dismissed from this action without prejudice. See Fed. R. Civ. P. 41(b).

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time

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1 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th  
2 Cir. 1991).

3 Dated: May 7, 2015

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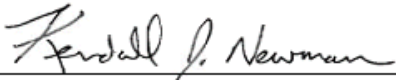
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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE