

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 4, 2015, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 forms necessary to effect service on defendant Col. That sixty day period has since passed, and plaintiff has not responded in any way to the court’s order.

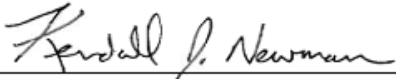
IT IS HEREBY RECOMMENDED that defendant Col be dismissed from this action without prejudice. See Fed. R. Civ. P. 41(b).

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

///  
///  
///

1 Recommendations.” Plaintiff is advised that failure to file objections within the specified time  
2 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th  
3 Cir. 1991).

4 Dated: May 12, 2015

5   
6 \_\_\_\_\_  
7 KENDALL J. NEWMAN  
8 UNITED STATES MAGISTRATE JUDGE

9 /gres0328.fusm2

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28