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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISABETH ARMSTRONG,  
Plaintiff,  
v.  
ED BONNER, et al.,  
Defendants.

No. 2:13-cv-1201 KJM CKD PS

ORDER AND  
FINDINGS AND RECOMMENDATIONS

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). As provided by Federal Rule of Civil Procedure 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 setting status conference, filed June 17, 2013, plaintiff was cautioned that this action may be dismissed if service was not timely completed. Plaintiff was again reminded in the order filed October 11, 2013 that all defendants must be timely served with summons. Defendants Bonner and the Placer County Sheriff’s Department have appeared in this action and have filed a motion to dismiss. Although plaintiff filed a “certificate of service” on October 30, 2013, that certificate does not demonstrate proper service of summons on the remaining defendants. This action was filed June 17, 2013 and plaintiff has not yet properly served the remaining defendants with summons.

A status conference was held before the undersigned on November 20, 2013. Plaintiff failed to appear. It appears plaintiff has abandoned this litigation.

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Accordingly, IT IS HEREBY ORDERED that:

1. Discovery is stayed as to defendants Bonner and Placer County Sheriff's Department;

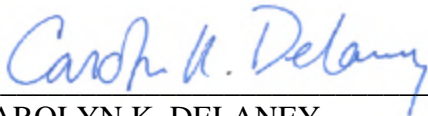
and

IT IS HEREBY RECOMMENDED that this action be dismissed.

These findings and recommendations are 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, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Findings and Recommendations." Any reply to the objections shall be served and filed within ten 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: November 21, 2013

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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