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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KHALID KHAN,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION,
et al.,

Defendants.

No. 2:13-cv-2596 KJM CKD PS

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. This action was filed December 16, 2013¹ and plaintiff has not yet served defendants with summons, despite having been cautioned twice that this action may be dismissed if service was not timely completed. ECF Nos. 2 and 18.

A status conference was held before the undersigned on November 19, 2014. Plaintiff did not file a status report and failed to appear. Despite two orders directing plaintiff to timely serve

¹ The action was closed on April 1, 2014 pursuant to the order of the District Judge dismissing the case for lack of subject matter jurisdiction. Thereafter, plaintiff's motion for reconsideration was granted by the District Judge and the action was reinstated on June 5, 2014. ECF No. 17.

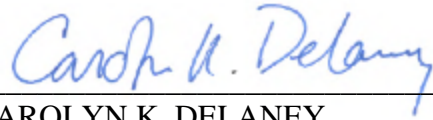
1 summons, plaintiff has failed to do so. It appears plaintiff has abandoned this litigation.

2 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Findings and Recommendations.” Any reply to the objections shall be served and
8 filed within ten days after service of the objections. The parties are advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court's order.

10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: November 20, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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