

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

JOHN MARTINEZ,  
Plaintiff,  
v.  
ALVARO AL PEREIRA, et al.,  
Defendants.

No. 2:14-cv-3008-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

On June 15, 2016, the court determined that plaintiff’s amended complaint stated a cognizable claim against defendant Horowitz and directed plaintiff to, within 30 days, return documents necessary to effect service of process on defendant Horowitz. That order warned plaintiff that failure to comply with the order could result in dismissal of this case. By an order filed July 29, 2016, the court granted plaintiff an additional thirty days in which to comply with the court’s June 15, 2016 order. The time for acting has passed and plaintiff has failed to return the documents necessary to effect service of process on defendant and has not otherwise responded to the court’s order.

1           Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice.

2 Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

3 Dated: September 21, 2016.

4 

5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28