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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TORRIE GIDGET CARTER, et al.,

No. 2:15-CV-2263-JAM-CMK

Plaintiffs,

vs.

FINDINGS AND RECOMMENDATIONS

UNITED STATES BANKRUPTCY  
COURT, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiffs, who are proceeding pro se, bring this civil action. Plaintiffs initiated this action in the Butte County Superior Court against the United States Bankruptcy Court, Bankruptcy Judge Christopher Klein, and Bankruptcy Trustee John Regar (“federal defendants”), as well as the California State Board of Equalization. Following dismissal of Regar by the state court, the remaining federal defendants removed the case to this court pursuant to 28 U.S.C. § 1442(a)(1) on October 30, 2015. The federal defendants were dismissed on October 27, 2016. To date, the only remaining defendant – the California State Board of Equalization – has not been served.

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1 Pursuant to Federal Rule of Civil Procedure 4(m), the court must dismiss an  
2 action as against a defendant who is not served within 120 days of the filing of the complaint.  
3 That time has long expired in this case. Because the unserved defendant is the only remaining  
4 defendant, the court will recommend dismissal of the entire action.

5 Based on the foregoing, the undersigned recommends that this action be  
6 dismissed.

7 These findings and recommendations are submitted to the United States District  
8 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days  
9 after being served with these findings and recommendations, any party may file written  
10 objections with the court. Responses to objections shall be filed within 14 days after service of  
11 objections. Failure to file objections within the specified time may waive the right to appeal.

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

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14 DATED: January 20, 2017

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16 **CRAIG M. KELLISON**  
17 UNITED STATES MAGISTRATE JUDGE  
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