

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

NATHANIEL DIXON,
Plaintiff,
v.
D. OLEACHEA, et al.,
Defendants.

No. 2:15-cv-2372 KJM AC P

FINDINGS AND RECOMMENDATIONS

This prisoner civil rights action proceeds against defendants Hall, Oleachea and Sandoval. Defendants Hall and Oleachea have each appeared and filed separate motions to dismiss. See ECF Nos. 27, 37. The attempt of the United States Marshal to serve process on defendant Sandoval was unsuccessful as he no longer works for the California Department of Corrections and Rehabilitation. See ECF No. 38. Plaintiff was directed to provide additional information for the Marshal to serve process on Sandoval, with a deadline of December 27, 2018. See ECF Nos. 39, 40. This court informed plaintiff that “[f]ailure to timely provide the required documents and information will result in a recommendation that Sandoval be dismissed from this action without prejudice.” ECF No. 40 at 2. Plaintiff did not timely provide any additional information to serve process on defendant Sandoval.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Sandoval be dismissed from this action without prejudice.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
3 days after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that
6 failure to file objections within the specified time may waive the right to appeal the District
7 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 DATED: January 8, 2019

9 
10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28