

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

JULIUS ANDERSON,
Plaintiff,
v.
CALIFORNIA MEDICAL FACILITY,
SOLANO, et al.,
Defendants.

No. 2:16-cv-0018 TLN CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

On September 26, 2016, plaintiff filed a second motion seeking leave to file a third amended complaint. For the reasons stated in the court’s September 16, 2016 order, plaintiff’s motion will be denied.

On August 17, 2016, the court ordered plaintiff to complete and return to the court, within thirty days, the USM-285 forms and other documents necessary to effect service on defendants Hernandez and Mendoza. That thirty day period has passed, and plaintiff has not responded to the court’s order. Accordingly, the court will recommend that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b).

In accordance with the above, IT IS HEREBY ORDERED that plaintiff’s motion for leave to file a third amended complaint (ECF No. 29) is denied; and


////

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

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
Fed. R. Civ. P. 41(b).

These findings and recommendations will be 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, plaintiff may file written objections
with the court. The document should be captioned “Objections to Findings and
Recommendations.” Plaintiff is 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: October 4, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

1
ande0018.fusm