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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY CLYDE JOBE,
Plaintiff,
v.
SACRAMENTO COUNTY JAIL, et al.,
Defendants.

No. 2:16-cv-1196 AC

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, through his counsel, brought this 42 U.S.C. § 1983 action on June 1, 2016. ECF No. 1. He paid the full filing fee on that date. Id. On May 19, 2017, the court determined that it was not required to screen plaintiff’s complaint, plaintiff was not entitled to rely on the United States Marshal for service, and that service had not been effected within 90 days of the complaint’s filing as required by Federal Rule of Civil Procedure 4(m). ECF No. 3. The court directed plaintiff to effect service on the defendants within twenty-one days and, failing that, to show cause why this action should not be dismissed without prejudice for failure to serve. Id.

That deadline has passed and there is no indication, to date, that service on any of the defendants has been executed. Nor has plaintiff submitted any filing indicating what steps he has taken to serve the defendants or why time for service should be extended. Accordingly, the court will recommend dismissal of the defendants without prejudice pursuant to Federal Rule of Civil Procedure 4(m). Plaintiff shall have a final opportunity, by way of his objections (should he

1 choose to file any), to show cause as to why his failure to serve should be excused.

2 IT IS THEREFORE ORDERED that, in light of the fact that plaintiff has not consented to
3 magistrate judge jurisdiction, the Clerk of Court shall assign a district judge to rule on these
4 findings and recommendations.

5 Additionally, it is RECOMMENDED that:

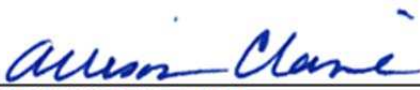
6 1. Defendants Sacramento County Jail, Sacramento Sheriff, and Sacramento Jail
7 Medical be DISMISSED without prejudice.

8 2. The Clerk of Court be directed to close this case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
14 within the specified time may waive the right to appeal the District Court's order. Turner v.
15 Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 IT IS SO ORDERD.

17 DATED: July 14, 2017

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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