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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER SHANE LANGSTON,
Plaintiff,
v.
TYLER, Correctional Officer,
Defendant.

No. 2:16-cv-2358 GEB AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed December 29, 2016, this court directed plaintiff to complete and return to the court a completed USM-285 form and two copies of the endorsed original complaint so that the U.S. Marshal could serve process on (or obtain a waiver from) sole defendant Correctional Officer Tyler. See ECF No. 12. Plaintiff submitted the requested materials, indicating that defendant Tyler worked at the California Medical Facility (CMF). See ECF No. 14. The Marshal attempted personal service on defendant Tyler at CMF, but was informed by the facility Legal Office that “they are unable to determine who C/O Tyler is.” ECF No. 17.

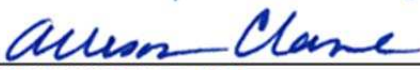
Thereafter, by order filed March 3, 2017, this court directed plaintiff to complete and return to the court, within thirty days, a newly completed USM-285 form providing the correct information to serve process on defendant Tyler, and two copies of the endorsed complaint. See

1 ECF No. 18. The court informed plaintiff that “[f]ailure to timely provide the identified
2 documents will result in a recommendation that this action be dismissed without prejudice.” Id.
3 at 2. That deadline passed several months ago. Although plaintiff filed a notice of change of
4 address on August 15, 2017, see ECF No. 19, he has not responded to the court’s March 3, 2017
5 order.

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

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
10 days after being served with these findings and recommendations, plaintiff may file written
11 objections with the court. The document should be captioned “Objections to Findings and
12 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
13 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
14 Cir. 1991).

15 DATED: August 17, 2017

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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