

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

JON HUMES,  
  
Plaintiff,  
  
v.  
  
LUKENBILL, et al.,  
  
Defendants.

No. 2:17-cv-2609 KJN P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Service of process on sole remaining defendant Lukenbill was returned unexecuted on February 11, 2019.<sup>1</sup> On February 20, 2019, this court ordered plaintiff to complete and return to the court, within sixty days, the USM-285 forms necessary to effect service on defendant Lukenbill. Such sixty day period has since passed, and plaintiff has not responded in any way to the court’s order.

In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

////

---

<sup>1</sup> Prior service of process on defendant Greg Lukenbill was returned unexecuted on June 8, 2018, and the court attempted to provide some assistance to plaintiff by order filed November 13, 2018. However, in the recent unexecuted service, the U.S. Marshal noted that there are two correctional officers with the last name “Lukenbill” who are employed as correctional officers with the County, and plaintiff provided insufficient identifying information to determine which officer is named as defendant herein.

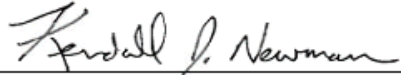
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS 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: May 10, 2019

/hume2609.fusm

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE