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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN GARCIA RODRIGUEZ,
Plaintiff,
v.
DAVID BAUGHMAN, et al.,
Defendants.

No. 2:18-cv-0655 MCE CKD P

FINDINGS AND RECOMMENDATIONS

On August 28, 2018 and October 15, 2018, the court ordered plaintiff to provide the court with an address where defendant Dr. John H. Friend could be served with process. Plaintiff has provided the court with two different addresses, however the United States Marshal has been unable to serve Dr. Friend at either address. Because this action cannot proceed unless defendant Dr. Friend is either served with process or waives service, and because it appears plaintiff is unaware of Friend’s whereabouts, the court will recommend that this action be dismissed without prejudice.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are 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 after being served with these findings and recommendations, plaintiff may file written objections with

1 the court. The document should be captioned “Objections to Magistrate Judge’s Findings and
2 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
3 waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
4 1991).

5 Dated: December 26, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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