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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS ACOSTA,
Plaintiff,
v.
B. CAYEN,
Defendant.

No. 2: 18-cv-02476 CKD P

ORDER and FINDINGS AND
RECOMMENDATIONS

Plaintiff, a former state inmate, is proceeding pro se and in forma pauperis in this federal civil rights action filed pursuant to 42 U.S.C. § 1983. On May 01, 2019, the court ordered the United States Marshal to serve the complaint on defendant B. Cayen. Process was returned unserved because the United States Marshal was unable to locate this defendant based on the address provided by the CDCR or through additional investigative work. See ECF No. 13. On January 08, 2020, plaintiff was ordered to provide additional information to serve this defendant within sixty days. That sixty-day period has since passed, and plaintiff has not responded in any way to the court’s order.

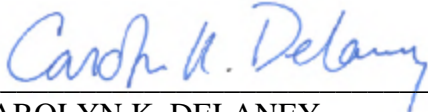
Accordingly, IT IS HEREBY ORDERED that the Clerk shall assign a district judge to this case.

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

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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: November 18, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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