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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,
Plaintiff,
v.
H. LIN, et al.,
Defendants.

No. 2:19-cv-2437 TLN CKD P
ORDER AND
FINIDNGS AND RECOMMENDATIONS

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On February 2, 2021, the court ordered plaintiff to provide additional information for service of process on defendant Henderson. Plaintiff was warned that failure to do so would result in a recommendation that defendant Henderson be dismissed. Plaintiff has not provided the court with the required information and time has expired for doing so. Accordingly, the court will recommend that defendant Henderson be dismissed.


Documents received by the court from plaintiff indicate plaintiff may wish to amend his second amended complaint to substitute the name “Emerson” for “Henderson.” This being the case, the court will grant plaintiff 30 days within which to file a third amended complaint. If plaintiff does not submit a third amended complaint within 30 days, this action will proceed on plaintiff’s second amended complaint.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's is granted 30 days within which
2 to file a third amended complaint. If plaintiff does not file a third amended complaint within
3 thirty days this action will proceed on plaintiff's second amend complaint.

4 IT IS HEREBY RECOMMENDED that defendant Henderson be dismissed from this
5 action.

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

13 Dated: April 15, 2021

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16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

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