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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILTON D. HARRIS,
Plaintiff,
v.
PAUL OSTERLIE, JR., *et al.*,
Defendants.

Case No. 2:22-cv-01537-TLN-JDP (PS)
FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED
WITHOUT PREJUDICE FOR FAILURE TO
COMPLY WITH COURT ORDERS AND
COMPLETE SERVICE OF PROCESS
**OBJECTIONS DUE WITHIN FOURTEEN
DAYS**

In September 2022, plaintiff filed a complaint and paid the required filing fee. Plaintiff subsequently filed a purported proof of service indicating that he attempted to serve defendants on September 14, 2022. ECF No. 4. However, that filing showed that plaintiff simply mailed a copy of the summons and complaint to an address in Ione, which is insufficient to demonstrate that service was properly effectuated. *Id.*; *see* Fed. R. Civ. P. 4(e)(2)(A)-(C); Cal. Civ. P. § 415.20(b). Accordingly, on June 15, 2023, I ordered plaintiff to show cause within fourteen days why this action should not be dismissed for failure to effect service of process within the time prescribed by Rule 4(m). ECF No. 7. I also warned plaintiff that failure to respond to the June 15 order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and plaintiff has not responded to the court's order.
2 Consequently, plaintiff has neither demonstrated that he has properly served defendants nor
3 shown cause why this action should not be dismissed for failure to timely effect service of
4 process. Accordingly, it is hereby RECOMMENDED that:

5 1. This action be dismissed without prejudice for failure to comply with court orders and
6 complete service of process; and

7 2. The Clerk of Court be directed to close the case.

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 days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17 IT IS SO ORDERED.

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19 Dated: December 26, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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