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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 FRANCISCO MORENO,

12 Plaintiff,

13 v.

14 DANIEL PARAMO, et al.,

15 Defendant.

Case No.: 17cv1449-CAB-KSC

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

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17 FRANCISCO MORENO (“Plaintiff”), currently incarcerated at the California
18 Health Care Facility (“CHCF”) in Stockton, California, and proceeding pro se, filed a
19 civil rights complaint against the Warden of Richard J. Donovan Correctional Facility
20 (“RJD”)(Paramo) and three RJD doctors (Walker, Luu, and Bates) pursuant to 42 U.S.C.
21 §1983, on July 17, 2017. [Doc. No. 1.]

22 On January 25, 2018, this Court issued an order 1) sua sponte dismissing
23 Defendant Paramo pursuant to 28 U.S.C. §1915(b)(1) and 2) ordering Plaintiff to file
24 either a written request that the Clerk issue a summons as to the remaining parties (so that
25 Plaintiff may then serve them) or file a written request that the Court order the U.S.
26 Marshal service to serve the remaining parties pursuant to Fed.R.Civ.P. 4(c)(3). [Doc.
27 No. 5 at 8.] Plaintiff was ordered to file one or the other request by February 26, 2018.
28 *Id.* Plaintiff was warned that, if he failed to do so, the action would be dismissed without

1 prejudice. *Id.* To date, Plaintiff has not filed either request. Therefore, the entire action
2 is **DISMISSED WITHOUT PREJUDICE**. The Clerk of the Court shall **CLOSE** the
3 case.

4 **IT IS SO ORDERED.**

5 Dated: March 6, 2018



Hon. Cathy Ann Bencivengo
United States District Judge

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