

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARL L. HIGGINS, CASE NO. 1:07-cv-00934-LJO-GSA PC

Plaintiff, ORDER AUTHORIZING SERVICE OF
v. SECOND AMENDED COMPLAINT, AND
J. MEDINA, et al., FORWARDING SERVICE DOCUMENTS
Defendants. TO PLAINTIFF FOR COMPLETION AND
(Doc. 16) RETURN WITHIN THIRTY DAYS

Plaintiff Carl L. Higgins, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 28, 2007. The Court screened Plaintiff's second amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states a claim against Defendants Williams, Lozano, Medina, and Miranda for use of excessive force, in violation of the Eighth Amendment.¹ Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1955, 1964-65 (2007). Accordingly, it is

HEREBY ORDERED that:

1. Service shall be initiated on the following defendants:

C/O D. WILLIAMS

¹ On December 9, 2009, Plaintiff's excessive force claim against Defendant Gibbs, conspiracy claim, due process claim arising from the falsification of reports, and claims against Defendants Reynoso and Jose were dismissed, with prejudice, for failure to state a claim; Plaintiff's claim against Defendants Zanchi, Chapman, and Rhodes arising from his placement in BMU at CCI was dismissed without prejudice to being raised in a separate civil action; and Defendants Gibbs, Reynoso, Jose, Zanchi, Chapman, and Rhodes were dismissed from the action. (Doc. 23.)

1 **C/O M. LOZANO**

2 **C/O J. MEDINA**

3 **C/O G. MIRANDA**

4 2. The Clerk of the Court shall send Plaintiff four (4) USM-285 forms, four (4)
5 summonses, a Notice of Submission of Documents form, an instruction sheet and a
6 copy of the second amended complaint filed March 16, 2009.

7 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
8 attached Notice of Submission of Documents and submit the completed Notice to the
9 Court with the following documents:

10 a. Completed summons;

11 b. One completed USM-285 form for each defendant listed above; and

12 c. Five (5) copies of the endorsed second amended complaint filed March 16,
13 2009.

14 4. Plaintiff need not attempt service on the defendants and need not request waiver of
15 service. Upon receipt of the above-described documents, the Court will direct the
16 United States Marshal to serve the above-named defendants pursuant to Federal Rule
17 of Civil Procedure 4 without payment of costs.

18 5. The failure to comply with this order will result in dismissal of this action.

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21 IT IS SO ORDERED.

22 Dated: December 10, 2009

23 _____
24 /s/ **Gary S. Austin**
25 UNITED STATES MAGISTRATE JUDGE
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