UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANGEL H. HERNANDEZ,

Plaintiff,

ORDER AUTHORIZING SERVICE OF
AMENDED COMPLAINT, AND
FORWARDING SERVICE DOCUMENTS
TO PLAINTIFF FOR COMPLETION AND
RETURN WITHIN THIRTY DAYS

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Order 8)

Defendants. (Doc. 8)

Plaintiff Angel H. Hernandez, a state prisoner proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983 and California law on February 11, 2009. The Court screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states claims against Defendants Costner and Doe 1 for use of excessive force, in violation of the Fourteenth Amendment, and for negligence under California law. 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 On January 20, 2010, Plaintiff's (1) official capacity claims, (2) supervisory liability and municipal liability claims, (3) section 1981 claim, (4) negligence claims against Defendants Garcia, Costner, Tolbert, Henderson, Vento, Taser International, Inc., and Kings County, (5) professional negligence claims against medical staff at the jail, and (6) claims for declaratory and injunctive relief were dismissed for failure to state a claim; and Defendants Jordan, the Board of Supervisors for Kings County, Tolbert, Garcia, Henderson, Vento, Does 1-25, Kings County, the Mayor of Kings County, Taser International, Inc., and jail medical staff were dismissed based on Plaintiff's failure to state any claims upon which relief may be granted against them.

1	1.	Service shall be initiated on the following defendant: ²
2		SENIOR KINGS COUNTY SHERIFF'S DEPUTY COSTNER
3	2.	The Clerk of the Court shall send Plaintiff one (1) USM-285 form, one (1)
4		summons, a Notice of Submission of Documents form, an instruction sheet and a
5		copy of the amended complaint filed April 28, 2009.
6	3.	Within thirty (30) days from the date of this order, Plaintiff shall complete the
7		attached Notice of Submission of Documents and submit the completed Notice to
8		the Court with the following documents:
9		a. One completed summons;
10		b. One completed USM-285 form; and
11		c. Two (2) copies of the endorsed amended complaint filed April 28, 2009.
12	4.	Plaintiff need not attempt service on the defendant and need not request waiver of
13		service. Upon receipt of the above-described documents, the Court will direct the
14		United States Marshal to serve the above-named defendant pursuant to Federal
15		Rule of Civil Procedure 4 without payment of costs.
16	5.	The failure to comply with this order will result in dismissal of this action.
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18	IT IS SO ORDERED.	
19	Dated:	January 21, 2010 /s/ Sandra M. Snyder UNITED STATES MAGISTRATE JUDGE
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27	2	
28	² The Marshal cannot initiate service of process on an unknown defendant. If subsequent investigation reveals the identify of Doe 1, Plaintiff may amend to identify by name Doe 1.	