1			
2			
3			
4			
5			
6	UNITED STATES DISTRICT COURT		
7			
8	EASTERN DISTRICT OF CALIFORNIA		
9	LARRY ZUNIGA, CASE NO. 1:09-cv-01208-AWI-SMS PC		
10	Plaintiff, ORDER FINDING SERVICE OF COMPLAINT		
11	v. APPROPRIATE, AND FORWARDING SERVICE DOCUMENTS TO PLAINTIFF FOR COMPLETION AND RETURN WITHIN		
12	CHRIS JORDAN, et al., THIRTY DAYS		
13	Defendants. (Doc. 1)		
14			
15	Plaintiff Larry Zuniga, a prisoner proceeding pro se and in forma pauperis, filed this civil		
16	rights action pursuant to 42 U.S.C. § 1983 on July 13, 2009. The Court screened Plaintiff's		
17	complaint pursuant to 28 U.S.C. § 1915A, and found that it states a claim against Defendants Berke,		
18	Torres, John Doe 1, Henderson, and Jordan for use of excessive force, in violation of the Eighth		
19	Amendment. ¹ Fed. R. Civ. P. 8(a); <u>Ashcroft v. Iqbal</u> , 129 S.Ct. 1937, 1949 (2009); <u>Bell Atlantic</u>		
20	<u>Corp. v. Twombly</u> , 550 U.S. 544, 555, 127 S.Ct. 1955, 1964-65 (2007). Accordingly, it is HEREBY		
21	ORDERED that:		
22	///		
23			
24	¹ On January 27, 2010, Plaintiff's excessive force claim against Defendants Gomes, Baily, Jones, Thayer,		
25	Hunter, and Valdez; Plaintiff's Eighth Amendment claims against Defendants Henderson and Baily arising from their assessment and documentation of his wounds; Plaintiff's Eighth Amendment claim against Defendant Baily		
26	arising from his failure to provide Plaintiff with clean clothes; Plaintiff's municipal liability claim against Mayor of Hanford, the Kings County Board of Supervisors, and Jail Facility Manager Kim; and Plaintiff's claims for		
27	declaratory and injunctive relief were dismissed for failure to state a claim; and Defendants Gomes, Baily, Jones, Thayer, Hunter, Valdez, Delia, Ruiz, Gonzalez, Hernandez, Heritage, the Mayor of Hanford, the Kings County		
20	Board of Supervisors, and Jail Facility Manager Kim were dismissed from this action based on Plaintiff's failure to		

28 | state any claims against them. (Doc. 10.)

1

1	1.	Service shall be initiated on the following defendants: ²	
2		SGT. BERKE	
3		SR. DEPUTY TORRES	
4		SGT. HENDERSON	
5		SHERIFF CHRIS JORDAN	
6	2.	The Clerk of the Court shall send Plaintiff four (4) USM-285 forms, four (4)	
7		summonses, a Notice of Submission of Documents form, an instruction sheet and a	
8		copy of the complaint filed July 13, 2009.	
9	3.	Within thirty (30) days from the date of this order, Plaintiff shall complete the	
10		attached Notice of Submission of Documents and submit the completed Notice to the	
11		Court with the following documents:	
12		a. One completed summons for each defendant;	
13		b. One completed USM-285 form for each defendant; and	
14		c. Five (5) copies of the endorsed complaint filed July 13, 2009.	
15	4.	Plaintiff need not attempt service on the defendants and need not request waiver of	
16		service. Upon receipt of the above-described documents, the Court will direct the	
17		United States Marshal to serve the above-named defendants pursuant to Federal Rule	
18		of Civil Procedure 4 without payment of costs.	
19	5.	The failure to comply with this order will result in dismissal of this action.	
20			
21	IT IS SO ORDERED.		
22	Dated: Ja	nuary 28, 2010 /s/ Sandra M. Snyder UNITED STATES MAGISTRATE JUDGE	
23		UNITED STATES MADISTRATE JUDGE	
24			
25			
26			
27	² The M	Iarshal cannot initiate service of process on an unknown defendant. Plaintiff may later amend his	
28	complaint if he is able to determine the identify of Doe 1. <u>Wakefield v. Thompson</u> , 177 F.3d 1160, 1163 (9th Cir. 1999).		

²