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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

GREGORY McCLELLAN,  
  
Plaintiff,  
  
v.  
  
KERN COUNTY SHERIFF'S OFFICE, et  
al.,  
  
Defendants.

Case No. 1:10-cv-00386-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS (1) FOR SERVICE  
OF COGNIZABLE CLAIM IN FOURTH  
AMENDED COMPLAINT AGAINST  
DEFENDANTS LOZANO, WOOD, AND  
PERKINS and (2) DISMISSING ALL  
OTHER DEFENDANTS**

**(ECF No. 23)**

**THIRTY-DAY DEADLINE TO RETURN  
SERVICE DOCUMENTS**

Plaintiff is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On June 2, 2014, the Magistrate Judge issued Findings and Recommendations that (1) the Fourth Amended Complaint states a Fourth Amendment unreasonable seizure claim for damages against Defendants Lozano, Wood and Perkins, and (2) all other claims asserted in the Fourth Amended Complaint and all other named Defendants should be dismissed with prejudice. (F&R's, ECF No. 23, at ¶ IV.) Plaintiff did not object to the

1 Findings and Recommendations and the time for doing so has expired. (Id.)

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has  
3 conducted a de novo review of this case. Having carefully reviewed the entire file, the Court  
4 finds the Findings and Recommendations to be supported by the record and by proper  
5 analysis.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The Court adopts the Findings and Recommendations filed on June 2, 2014  
8 ECF No. 23), in full,
- 9 2. Plaintiff shall proceed on the Fourth Amended Complaint on the Fourth  
10 Amendment unreasonable seizure claim for damages against Defendants  
11 Lozano, Wood and Perkins,
- 12 3. All other claims asserted in the Fourth Amended Complaint and all other  
13 Defendants named in this action are dismissed with prejudice,
- 14 4. Service shall be initiated on the following Defendants:
  - 15 a. S. LOZANO, Parole Agent - CDCR,
  - 16 b. LOUIS WOOD, Officer - Bakersfield Police Department,
  - 17 c. KENNETH PERKINS, Officer - Bakersfield Police Department,
- 18 5. The Clerk of the Court shall send Plaintiff three (3) USM-285 forms, three (3)  
19 summons, a Notice of Submission of Documents form, an instruction sheet  
20 and a copy of the Fourth Amended Complaint filed March 17, 2014,
- 21 6. Within thirty (30) days from service of this Order, Plaintiff shall complete and  
22 return to the Court the Notice of Submission of Documents along with the  
23 following documents:
  - 24 a. Completed summons,
  - 25 b. One completed USM-285 form for each Defendant listed above,
  - 26 c. Four (4) copies of the endorsed Fourth Amended Complaint filed  
27 March 17, 2014, and
- 28 7. Upon receipt of the above-described documents, the Court shall direct the

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United States Marshal to serve the above-named Defendants pursuant to  
Federal Rule of Civil Procedure 4 without payment of costs.

**IT IS SO ORDERED.**

Dated: June 24, 2014

/s/ Lawrence J. O'Neill  
United States District Judge