UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAVIER SOLIS, Plaintiff, v. COUNTY OF STANISLAUS, et al., Defendants.	1:14-cv-00937-WBS-BAM ORDER FINDING SERVICE OF FOURTH AMENDED COMPLAINT APPROPRIATE AND FORWARDING DOCUMENTS TO PLAINTIFF (ECF Nos. 15, 17)

Plaintiff Javier Solis ("Plaintiff") is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a third amended complaint on August 31, 2015. (Doc. 11.)

On September 30, 2015, the undersigned screened Plaintiff's third amended complaint and found it stated a cognizable claim against Defendants Griebel and Quiroz in their individual capacities for excessive force in violation of the Fourth Amendment, and against Defendants Niewenhuis, King and Albonetti in their individual capacities for failure to intercede. The Court therefore found service appropriate for these defendants and directed Plaintiff to complete and return service documents. (Doc. 12.)

By separate order, on October 2, 2015, the undersigned issued Findings and Recommendations that this action proceed on Plaintiff's third amended complaint against Defendants Griebel and Quiroz in their individual capacities for excessive force in violation of the Fourth Amendment and against Defendants Niewenhuis, King and Albonetti in their

individual capacities for failure to intercede. The Court also recommended that Plaintiff's claims against Defendants in their official capacities, along with Defendants City of Ceres Police Department and City of Ceres, be dismissed. (Doc. 13.) Plaintiff filed objections to the Findings and Recommendations on October 19, 2015. (Doc. 14.)

On October 27, 2015, the District Court Judge adopted the recommendations that (1) this action proceed on Plaintiff's third amended complaint against Defendants Griebel and Quiroz in their individual capacities for excessive force in violation of the Fourth Amendment and against Defendants Niewenhuis, King and Albonetti in their individual capacities for failure to intercede and (2) Plaintiff's claims against those officers in their official capacities be dismissed. However, the District Court granted Plaintiff leave to join the City of Ceres as a defendant in this case. The District Court therefore ordered that Plaintiff had thirty days to file a Fourth Amended Complaint joining the City of Ceres of as defendant. The District Court also directed the undersigned to enter an order finding service of the City of Ceres appropriate after Plaintiff filed his Fourth Amended Complaint. (Doc. 15.)

On November 23, 2015, Plaintiff filed his Fourth Amended Complaint joining the City of Ceres as a defendant. (Doc. 17.) Accordingly, IT IS HEREBY ORDERED as follows:

1. Service is appropriate for defendant:

City of Ceres

2. The Clerk of the Court shall send Plaintiff one (1) USM-285 form, one (1) summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the fourth amended complaint filed November 23, 2015.

3. Within thirty (30) days from the date of this Order, Plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents;

a. Completed summons;

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

c. Two (2) copies of the endorsed fourth amended complaint filed November 23, 2015.

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

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

IT IS SO ORDERED.

Dated: **November 30, 2015**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE