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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KENNETH R. HUSKEY,
Plaintiff,
v.
LOPEZ, et al.,
Defendants.

Case No. 1:15-cv-00138-JLT (PC)

**ORDER FINDING SERVICE OF COMPLAINT
APPROPRIATE AND FORWARDING
SERVICE DOCUMENTS TO PLAINTIFF FOR
COMPLETION AND RETURN WITHIN
THIRTY DAYS**

(Doc. 1)

30-DAY DEADLINE

Plaintiff, Kenneth R. Huskey, is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on February 2, 2015. (Doc. 1.) The Court screened the Complaint pursuant to 28 U.S.C. § 1915A and found that it states a cognizable claim for relief under section 1983 (1) against Defendant Lopez for pushing Plaintiff down a flight of stairs in violation of the Fourteenth and Eighth Amendments; and (2) against Defendants King, Walters, and Carter for having knowledge of Defendant Lopez's use of excessive force against aging CSH residents and failing to discipline/reprimand him so as to correct his behavior in deliberate indifference to Plaintiff's safety in violation of the Eighth Amendment upon which Plaintiff agrees to proceed. Fed. R. Civ. P. 8(a); *Swierkiewicz v. Sorema N. A.*, 534 U.S. 506, 512-15 (2002); *Austin v. Terhune*, 367 F.3d 1167, 1171 (9th Cir. 2004); *Jackson v. Carey*, 353 F.3d 750, 754 (9th Cir. 2003); *Galbraith v. County of Santa Clara*, 307 F.3d 1119, 1125-26 (9th

1 Cir. 2002).

2 Accordingly, it is HEREBY ORDERED that:

3 1. Service is appropriate for the following Defendants:

4 **JOSE ISAI LOPEZ, PSYCHIATRIC TECHNICIAN**

5 **AUDREY KING, EXECUTIVE DIRECTOR**

6 **JAMES WALTERS**

7 **JACK CARTER**

8 2. The Clerk of the Court shall send Plaintiff four (4) USM-285 form, four (4)
9 summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the
10 Complaint, filed on February 2, 2015 (Doc. 1).

11 3. **Within 30 days** from the date of this order, Plaintiff shall complete the attached
12 Notice of Submission of Documents and submit it to the Court with the following documents:

13 a. Four completed summons;

14 b. Four completed USM-285 forms for the Defendants listed above; and

15 c. Five (5) copies of the endorsed Complaint, filed February 2, 2015 (Doc. 1).

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

20 5. The failure to comply with this order will result in a recommendation that this
21 action be dismissed.

22
23 IT IS SO ORDERED.

24 Dated: July 2, 2015

/s/ Jennifer L. Thurston
25 UNITED STATES MAGISTRATE JUDGE