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

PHILLIP SANDERS,

Plaintiff,

v.

MATTHEW *et al.*,

Defendants.

Case No. 1:15-cv-00395-LJO-EPG

**ORDER DIRECTING PLAINTIFF TO
FILE USM-285 FORMS**

RESPONSE REQUIRED WITHIN THIRTY
(30) DAYS

On August 1, 2016, Plaintiff filed a Second Amended Complaint (“2AC”). (Doc. 23.) The Court screened the 2AC pursuant to its authority in 28 U.S.C. § 1915(e)(2) on December 12, 2016 and filed Findings and Recommendations recommending that the 2AC proceed under 42 U.S.C. § 1983 only on Plaintiff’s unlawful arrest (claims 4-5) and excessive force claims (claims 2 and 6) against defendants Matthew and Sturgeon. (ECF No. 24 at 9.) The Court recommended the remaining causes of action and defendants be dismissed. (*Id.*)

On January 13, 2017, United States District Judge Lawrence J. O’Neill issued an Order Adopting Findings and Recommendations Dismissing Plaintiff’s Complaint in Part, wherein the findings and recommendations of the Court were adopted in full. (ECF No. 25.)

1 In light of Judge O'Neill's order, the Court has determined that service of the FAC is now
2 proper. Because Plaintiff is proceeding *in forma pauperis*, service of the Complaint will be
3 effected by the United States Marshal Service. *See* Fed. R. Civ. P. 4(c)(3).

4 Accordingly:

- 5 1. The Court determines that service is appropriate for Defendants:
 - 6 a. Mathew, Fresno Police Officer ID: P1585; and,
 - 7 b. Sturgeon, Fresno Police Officer V3736.
- 8 2. The Clerk of the Court shall send Plaintiff two USM-285 forms, two summonses,
9 a Notice of Submission of Documents form, an instruction sheet, and a copy of the
10 Second Amended Complaint filed on August 1, 2016;
- 11 3. Within **thirty days** after the date of this Order, Plaintiff must complete the
12 attached Notice of Submission of Documents and submit the completed Notice to
13 the Court with the following documents:
 - 14 a. Completed summonses;
 - 15 b. A copy of the instant Order;
 - 16 c. One completed USM-285 form for each defendant listed above; and,
 - 17 d. Three copies of the endorsed Second Amended Complaint filed on August
18 1, 2016.
- 19 4. Plaintiff need not attempt service on Defendants and need not request waiver of
20 service. Upon receipt of the above-described documents, the Court will direct the
21 United States Marshal Service to serve the above-named defendants pursuant to
22 Federal Rule of Civil Procedure 4 without payment of costs.

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Failure to comply with this Order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: January 24, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE