



1 Accordingly, IT IS HEREBY RECOMMENDED that:

- 2 1. Plaintiff proceed on his Eighth Amendment claim against Defendant  
3 Johnson;
- 4 2. All other claims asserted in the Second Amended Complaint and all other  
5 named Defendants be dismissed with prejudice;
- 6 3. Service be initiated on Defendant **P. JOHNSON**;
- 7 4. The Clerk of the Court should send Plaintiff one (1) USM-285 forms, one  
8 (1) summons, a Notice of Submission of Documents form, an instruction  
9 sheet and a copy of the Second Amended Complaint filed August 15,  
10 2016;
- 11 5. Within thirty (30) days from the date of adoption of these findings and  
12 recommendations, Plaintiff should complete and return to the Court the  
13 notice of submission of documents along with the following documents:
  - 14 a. Completed summons,
  - 15 b. One completed USM-285 form for each Defendant listed above,
  - 16 c. Two (2) copies of the endorsed complaint filed August 15, 2016; and
- 17 6. Upon receipt of the above-described documents, the Court should direct  
18 the United States Marshal to serve the above-named Defendants pursuant  
19 to Federal Rule of Civil Procedure 4 without payment of costs.

20 These findings and recommendations will be submitted to the United States  
21 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §  
22 636(b)(1). Within fourteen (14) days after being served with the findings and  
23 recommendations, the parties may file written objections with the Court. The document  
24 should be captioned "Objections to Magistrate Judge's Findings and Recommendation."  
25 A party may respond to another party's objections by filing a response within fourteen  
26 (14) days after being served with a copy of that party's objections. The parties are  
27 advised that failure to file objections within the specified time may result in the waiver of  
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1 rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter  
2 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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4 IT IS SO ORDERED.

5 Dated: January 19, 2017

1st Michael J. Seng  
6 UNITED STATES MAGISTRATE JUDGE

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