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8	UNITED STATE	ES DISTRICT COURT
9	EASTERN DIST	RICT OF CALIFORNIA
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11	RODRIGO LOPEZ,	Case No. 1:16-cv-00881-DAD-BAM (PC)
12	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR SERVICE
13	v.	
14	NORTH KERN STATE PRISON, et al.,	(ECF No. 17)
15	Defendants.	
16		
17	Plaintiff Rodrigo Lopez ("Plaintiff")	is proceeding pro se and in forma pauperis in this
18	civil rights action under 42 U.S.C. § 1983.	
19	On December 21, 2017, the Court scr	eened Plaintiff's first amended complaint and found
20	that Plaintiff stated a cognizable Eighth Ame	ndment claim against Defendant McDermott for the
21	failure to intervene while inmate Cancel was	attacking Plaintiff. (ECF No. 10.) The Court also
22	issued findings and recommendations that all	other claims and defendants be dismissed from this
23	action, and that this action proceed on Plainti	ff's Eighth Amendment claim against Defendant
24	McDermott for the failure to intervene while	inmate Cancel was attacking Plaintiff. (Id.)
25	The findings and recommendations were serv	ved on all parties appearing in this action, and
26	contained notice that any objections were to be filed within fourteen (14) days after service. (<u>Id.</u>	
27	at 8.) Following an extension of time, Plaintiff filed objections on January 29, 2018. (ECF No.	
28	14.)	
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1	On February 5, 2018, Plaintiff filed a letter to the Clerk of the Court stating that he had
2	submitted timely objections to the pending findings and recommendations, and therefore required
3	two additional summons and complaint forms for Defendants Kernan and Pennywell. (ECF No.
4	17.) The Court construes Plaintiff's letter as a motion for service.
5	Plaintiff is advised that the Court's findings and recommendations, as well as Plaintiff's
6	objections, are currently pending before the assigned District Judge. As such, the Court has not
7	found that Plaintiff has stated cognizable claims against Defendant Kernan or Pennywell, and has
8	not directed service of process on these defendants. If Plaintiff is found to have stated a
9	cognizable claim against any of these defendants, Plaintiff will be sent the appropriate service
10	documents. The assigned District Judge will rule on the pending findings and recommendations
11	in due course.
12	Accordingly, Plaintiff's motion for service, (ECF No. 17), is HEREBY DENIED.
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14	IT IS SO ORDERED.
15	Dated: February 6, 2018 /s/ Barbara A. McAuliffe
	UNITED STATES MAGISTRATE JUDGE
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