

1 September 15, 2017, the Court vacated the July 31, 2017 Findings and Recommendations and granted
2 Plaintiff one last opportunity to file a second amended complaint within thirty days. After thirty days
3 passed and Plaintiff failed to file a second amended complaint, the Court issued Findings and
4 Recommendations on October 24, 2017. On this same date, however, Plaintiff submitted a second
5 amended complaint which was lodged by the Court. In light of the fact that Plaintiff's second
6 amended complaint crossed in the mail with the filing of the Findings and Recommendations, the
7 Court will vacate the Findings and Recommendations, order the second amended complaint filed, and
8 screen the complaint pursuant to 28 U.S.C. § 1915A(a). Based on the allegations presented in the
9 second amended complaint, Plaintiff states a cognizable claim against Defendants Philippe Mechael,
10 Ikwinder Singh, Robert Mitchell, and H. Longia for deliberate indifference to a serious medical need
11 in violation of the Eighth Amendment.

12 Accordingly, it is HEREBY ORDERED that:

- 13 1. The October 24, 2017 Findings and Recommendations are vacated;
- 14 2. The Clerk of Court shall file the second amended complaint (ECF No. 12), lodged on
15 October 24, 2017;
- 16 3. Service shall be initiated on the following defendants:
17 **Philippe Mechael**
18 **Ikwinder Singh**
19 **Robert Mitchell**
20 **H. Longia**
- 21 4. The Clerk of the Court shall send Plaintiff four (4) USM-285 forms, four (4) summons,
22 a Notice of Submission of Documents form, an instruction sheet and a copy of the
23 Second Amended Complaint filed October 24, 2017;
- 24 5. Within thirty (30) days from the date of this order, Plaintiff shall complete the attached
25 Notice of Submission of Documents and submit the completed Notice to the Court with
26 the following documents:
 - 27 a. One completed summons for each defendant listed above;
 - 28 b. One completed USM-285 form for each defendant listed above;

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- c. Five (5) copies of the endorsed Second Amended Complaint filed October 24, 2017; and
- d. All CDCR Form 602 documentation submitted in relation to this case;
- 6. Plaintiff need not attempt service on the defendants 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 defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs; and
- 7. The failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED.

Dated: October 26, 2017


UNITED STATES MAGISTRATE JUDGE