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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER JOHN WILSON,  
  
Plaintiff,  
  
v.  
  
TUOLUMNE COUNTY, *et al.*,  
  
Defendants.

Case No. 1:19-cv-01132-NONE-BAM

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

(Docs. 27, 33, 35)

**THIRTY (30) DAY DEADLINE**

Plaintiff Christopher John Wilson is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action while a pretrial detainee.

On March 23, 2021, the magistrate judge issued findings and recommendations recommending that (1) this action proceed on Plaintiff’s first amended complaint, filed on March 8, 2021, against Sgt. Curtis Hankins, Sonora Police Department, and Officer Lance Durham, Sonora Police Department for excessive use of force in violation of the Fourth Amendment in connection with an alleged handcuffing incident on June 9, 2019; (2) Plaintiff’s requested remedies of injunctive relief and declaratory relief be dismissed; and (3) all other claims and defendants be dismissed from this action, without prejudice, due to Plaintiff’s failure to state

1 claims upon which relief may be granted. (Doc. 33.) The findings and recommendations were  
2 served on Plaintiff and contained notice that any objections were to be filed within fourteen (14)  
3 days of service. (*Id.*) No objections were filed.

4 On September 3, 2021, the district judge issued an order adopting the findings and  
5 recommendations directing that this action proceed on Plaintiff's first amended complaint, filed  
6 on March 8, 2021, against Sgt. Curtis Hankins, Sonora Police Department, and Officer Lance  
7 Durham, Sonora Police Department, for excessive use of force in violation of the Fourth  
8 Amendment in connection with the alleged handcuffing incident of June 9, 2019. The district  
9 judge dismissed all other claims and defendants, without prejudice, due to Plaintiff's failure to  
10 state claims upon which relief may be granted. The district judge also dismissed Plaintiff's  
11 requested remedies of injunctive and declaratory relief. The matter was referred back to the  
12 undersigned for further proceedings consistent with the district court's order. (Doc. 35.)

13 Pursuant to the district court's order adopting the findings and recommendations, this  
14 action shall proceed on Plaintiff's first amended complaint, filed on March 8, 2021, against Sgt.  
15 Curtis Hankins, Sonora Police Department, and Officer Lance Durham, Sonora Police  
16 Department, for excessive use of force in violation of the Fourth Amendment in connection with  
17 the alleged handcuffing incident of June 9, 2019.

18 Accordingly, the Court HEREBY ORDERS that:

19 1. Service shall be initiated on the following defendant:

20 **Sgt. Curtis Hankins**, Sonora Police Department

21 **Officer Lance Durham**, Sonora Police Department

22 2. The Clerk of the Court shall send Plaintiff two (2) USM-285 form, two (2)

23 summonses, a Notice of Submission of Documents form, an instruction sheet, and a  
24 copy of the first amended complaint filed on March 8, 2021, (Doc. 27);

25 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall complete  
26 the attached Notice of Submission of Documents, and submit the completed Notice to  
27 the Court with the following documents:

28 a. One (1) completed summons for each defendant listed above;

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- b. One (1) completed USM-285 form for each defendant listed above; and
- c. Three (3) copies of the endorsed first amended complaint filed on March 8, 2021.

4. Plaintiff need not attempt service on these 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 under Federal Rule of Civil Procedure 4 without payment of costs; and

5. **The failure to comply with this order will result in dismissal of this action.**

IT IS SO ORDERED.

Dated: September 7, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE