

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN LORENZO RANKIN,

Plaintiff,

No. CIV 2:11-cv-0145-MCE-JFM

vs.

SUISIN POLICE DEP'T, et al.,

Defendants.

ORDER

_____ /

Plaintiff is proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed August 18, 2011, plaintiff's first amended complaint was found to state a claim against defendants Arroyo, Sousa and Martinez, but not as to the remaining defendants. Plaintiff was provided an opportunity to file a second amended complaint within thirty days. If he did not file a second amended complaint, the court would proceed with the first amended complaint as screened in the August 18, 2011 order. The time for filing a second amended complaint has passed and plaintiff has not filed a second amended complaint. Therefore, the court will proceed with plaintiff's first amended complaint against defendants Arroyo, Sousa and Martinez.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) against defendants Arroyo, Sousa and Martinez. If the

1 allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to
2 prevail on the merits of this action.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Service is appropriate for the following defendants: Arroyo, Sousa and
5 Martinez.

6 2. The Clerk of the Court shall send plaintiff 3 USM-285 forms, one summons,
7 an instruction sheet and a copy of the amended complaint filed May 9, 2011.

8 3. Within thirty days from the date of this order, plaintiff shall complete the
9 attached Notice of Submission of Documents and submit the following documents to the court:

10 a. The completed Notice of Submission of Documents;

11 b. One completed summons;

12 c. One completed USM-285 form for each defendant listed in number 1
13 above; and

14 d. 4 copies of the endorsed amended complaint filed May 9, 2011.

15 4. Plaintiff need not attempt service on defendants and need not request waiver of
16 service. Upon receipt of the above-described documents, the court will direct the United States
17 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
18 without payment of costs.

19 DATED: November 9, 2011.

20
21 
22 UNITED STATES MAGISTRATE JUDGE

23 /014;rank0145.1amd
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN LORENZO RANKIN,

Plaintiff,

No. CIV 2:11-cv-0145-MCE-JFM

vs.

SUISIN POLICE DEP'T, et al.,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____
Amended Complaint

DATED:

Plaintiff