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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN RANDOLPH WOOD,  
Plaintiff,  
v.  
JACK MCCORMICK, et al.,  
Defendants.

No. 2:17-cv-00983 JAM CKD P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). On January 30, 2018, this court screened plaintiff’s complaint and found that it stated a cognizable excessive force claim against defendants McCormick and Millis. See ECF No. 11 at 3. In the same order, the court found that plaintiff failed to state any additional claim against the remaining defendants, but granted plaintiff leave to amend. Id. at 5. On February 12, 2018, plaintiff filed a notice indicating that he wanted to proceed on the Eighth Amendment claim against defendants McCormick and Millis rather than amending his complaint. ECF No. 14. Therefore, based on plaintiff’s notice of election, the court will order that plaintiff provide information to the court so

1 that defendants McCormick and Millis can be served with process.

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

3 1. Service is appropriate for the following defendants: Jack McCormick and Deputy  
4 Millis, both of whom were employed as Shasta County Sheriff Deputies at the Shasta County Jail  
5 in Redding, California on May 26, 2013.

6 2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons, an  
7 instruction sheet and a copy of the complaint.

8 3. Within thirty days from the date of this order, plaintiff shall complete the attached  
9 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 above; and  
13 d. Three copies of the complaint.

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

18 IT IS FURTHER RECOMMENDED that all defendants and claims other than those  
19 described above be dismissed.

20 These findings and recommendations are submitted to the United States District Judge  
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after  
22 being served with these findings and recommendations, plaintiff may file written objections with  
23 the court. The document should be captioned "Objections to Magistrate Judge's Findings and  
24 Recommendations." Plaintiff is advised that failure to file objections within the specified time  
25 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.  
26 1991).

27 Dated: May 7, 2018

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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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No. 2:17-cv-00983 JAM CKD P

NOTICE OF SUBMISSION OF  
DOCUMENTS

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

- \_\_\_\_\_:
- \_\_\_\_\_ completed summons form
  - \_\_\_\_\_ completed USM-285 forms
  - \_\_\_\_\_ copies of the \_\_\_\_\_  
Complaint

DATED:

\_\_\_\_\_  
Plaintiff