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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MUDD SAR KHAN,

 Plaintiff,

 v.

CITY OF LODI,

 Defendant.

No. 2:17-cv-2169-MCE-GGH

ORDER

Plaintiff sues in pro se and in forma pauperis in this civil rights action.

On October 23, 2017 this court issued an Order granting plaintiff’s IFP status and directing him to file an amended complaint in conformity with the requirements laid out in the Order. EC No. 3. On November 9, 2017 plaintiff moved for an extension of time to file the required amendment ECF No. 4, and on November 17, 2017 that request was granted with the amendment to be due 30 days later. ECF No. 5. On December 11 2017, plaintiff filed what purported to be an amended complaint but is really in the nature of a supplement to his original complaint. ECF No. 6. In partial response to the Order, that supplement names a person, in addition to the City of Lodi – Officer M. Hitchcock of the Lodi Police Department.

Although the two documents – the original complaint together with the Supplement, do not conform to the normal format for a complaint, in the spirit of Haines v. Kerner, 404 U.S. 519 (1972) and Nordstrom v. Ryan, 762 F.3d 903 (9th Cir. 2014), the court will denote the two

1 documents a complaint which may be served on the defendants together with the Court's October
2 23, 2017 Order, ECF No. 3. Before that may be done, the officer now named by plaintiff in the
3 Supplement must now be placed in the caption of the complaint as the first named defendant with
4 the City of Lodi named as the second defendant.

5 In light of the foregoing and IT IS HEREBY ORDERED that:

6 1. The Clerk of the Court shall add M. Hitchcock, Officer as the first named
7 defendant in the caption to the Amended Complaint.

8 2. Service on the defendants is appropriate.

9 3. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is
10 directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ.
11 P. 4, including a copy of this court's status order, and the Order found at without prepayment of
12 costs.

13 4. The Clerk of the Court shall send plaintiff one USM-285 form for each named
14 defendant, one summons, a copy of the complaint, an appropriate form for consent to trial by a
15 magistrate judge, and this court's status order.

16 5. Plaintiff is directed to supply the U.S. Marshal, within 14 days from the date this
17 order is filed, all information needed by the Marshal to effect service of process, and shall file a
18 statement with the court that said documents have been submitted to the United States Marshal.

19 The court anticipates that, to effect service, the U.S. Marshal will require at least:

- 20 a. One completed summons for each defendant;
- 21 b. One completed USM-285 form for each defendant;
- 22 c. One copy of the endorsed filed complaint for each defendant, with an extra
23 copy for the U.S. Marshal;
- 24 d. One copy of this court's status order for each defendant; and
- 25 e. One copy of the instant order for the defendant.

26 6. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate
27 service on any defendant within 90 days from the date of this order, the Marshal is directed to
28 report that fact, and the reasons for it, to the undersigned.

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7. If the defendant waives service, he is required to return the signed waiver to the United States Marshal. If the Marshal has already attempted personal service, the filing of an answer or a responsive motion will not relieve a defendant from the potential obligation to pay the costs of service pursuant to Federal Rule of Civil Procedure 4(d)(2).

8. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal, 501 "I" Street, Sacramento, CA 95814, Tel. No. (916) 930-2030.

9. Plaintiff's failure to comply with this order may result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) and Local Rules 110 and 183(a).

IT IS SO ORDERED.

Dated: February 12, 2018

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE