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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH CANDLER,
Plaintiff,
v.
J. STEWART, et al.,
Defendants.

No. 2:17-cv-2436 TLN CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a California prisoner proceeding pro se. 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). The court screened plaintiff's original complaint on March 9, 2018. The court found that plaintiff may proceed on the following claims:

- 1) Claims against defendant Lebeck for excessive force and denial of medical care arising under the Eighth Amendment and a claim arising under the First Amendment for retaliating against plaintiff for utilization of an inmate grievance procedure; and
- 2) Claim against defendant Huynh for denial of medical care arising under the Eighth Amendment.

With respect to defendant Reams, Hobart and Stewart, the court found that plaintiff's complaint does not state a claim upon which relief can be granted.

1 The court gave plaintiff two options: 1) either proceed only on the claims identified
2 above; or 2) attempt to cure the deficiencies with respect to other claims in an amended
3 complaint. The time allotted to plaintiff for the filing of an amended complaint has expired.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Service is appropriate for defendants Lebeck and Huynh.

6 2. The Clerk of the Court shall send plaintiff two USM-285 forms, a 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. Two completed USM-285 form; and

13 d. Three copies of the complaint.

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

18 IT IS HEREBY 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

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1 waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
2 1991).

3 Dated: April 25, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
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KEITH CANDLER,
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No. 2:17-cv-2436 TLN 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