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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SENARBLE CAMPBELL,

Plaintiff,

v.

J. TANTON, et al.,

Defendants.

No. 2:18-cv-00671 CKD P

ORDER & FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action 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).

On July 9, 2018, this court screened plaintiff’s complaint and found that plaintiff stated a cognizable Eighth Amendment deliberate indifference claim against defendants F. Martin, Psychologist Kenton, and Psychiatric Technician Herrera. The same order concluded that plaintiff’s excessive force allegations against defendants J. Tanton, G. Ellin, L. Spangler, J. Leech, T. Stanfield, S. Manson, and J. Morton were too conclusory to state a viable claim for relief. Plaintiff was given the option of amending his complaint or proceeding only on the Eighth Amendment deliberate indifference claim. On July 23, 2018 plaintiff responded to the court’s screening order and elected to proceed solely on the Eighth Amendment deliberate indifference claim. ECF No. 12. Therefore, the court will order that plaintiff provide information to the court

1 so that defendants F. Martin, Psychologist Kenton, and Psychiatric Technician Herrera can be
2 served with process.

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

4 1. Service is appropriate for the following defendants: F. Martin, Psychologist Kenton,
5 and Psychiatric Technician Herrera, all employed at California State Prison-Sacramento in June
6 and October 2015.

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

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

11 a. The completed Notice of Submission of Documents;

12 b. One completed summons;

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

14 and

15 d. Four copies of the complaint.

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

20 5. The Clerk of Court randomly assign this case to a district court judge.

21 In light of plaintiff's election on how to proceed, IT IS FURTHER RECOMMENDED
22 that the Eighth Amendment excessive force claim against defendants J. Tanton, G. Ellin,
23 L. Spangler, J. Leech, T. Stanfield, S. Manson, and J. Morton be dismissed.

24 These findings and recommendations are submitted to the United States District Judge
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
26 after being served with these findings and recommendations, any party may file written
27 objections with the court and serve a copy on all parties. Such a document should be captioned
28 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the

1 objections shall be served and filed within fourteen days after service of the objections. The
2 parties are advised that failure to file objections within the specified time may waive the right to
3 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: August 7, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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No. 2:18-cv-00671 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