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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALLAN ACQUAH,
Plaintiff,
v.
DAVID BAUGHMAN, et al.,
Defendants.

No. 2:19-cv-1470 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with an action pursuant to 42 U.S.C. § 1983. On screening, this court found plaintiff stated cognizable claims for excessive force against defendants Ortega, Mohr, Valine, and Herrera. (Sept. 18, 2019 Order (ECF No. 10).) This court further found plaintiff failed to state a claim against defendant Baughman. Plaintiff was given the option of amending his complaint or proceeding on the claims found cognizable in his original complaint. In a document filed here on October 3, plaintiff states that he wishes to proceed on his existing claims.

Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. Service is appropriate for the following defendants: Ortega, Mohr, Valine, and Herrera.
2. The Clerk of the Court shall send plaintiff four USM-285 forms, one summons, an instruction sheet, and a copy of the complaint filed August 29, 2019.

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

- 3 a. The completed Notice of Submission of Documents;
4 b. One completed summons;
5 c. One completed USM-285 form for each defendant listed in number 1 above;

6 and

- 7 d. Five copies of the endorsed complaint filed August 29, 2019.

8 4. Plaintiff need not attempt service on defendants and need not request waiver of service.

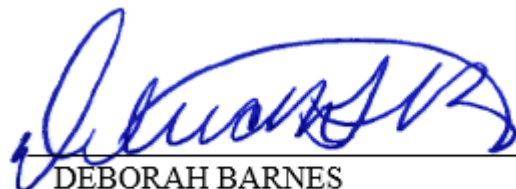
9 Upon receipt of the above-described documents, the court will direct the U.S. Marshal to serve
10 the above-named defendants pursuant to Fed. R. Civ. P. 4 without payment of costs.

11 5. The Clerk of the Court shall randomly assign a district judge to this case.

12 Further, IT IS RECOMMENDED that plaintiff's claims against defendant Baughman be
13 dismissed for the reasons set forth in the court's September 18 screening order (ECF No. 10).

14 These findings and recommendations will be submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
16 after being served with these findings and recommendations, plaintiff may file written objections
17 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
18 and Recommendations." Plaintiff is advised that failure to file objections within the specified
19 time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951
20 F.2d 1153 (9th Cir. 1991).

21 Dated: October 8, 2019

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25 DEBORAH BARNES
26 UNITED STATES MAGISTRATE JUDGE
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No. 2:19-cv-1470 DB P

NOTICE OF SUBMISSION

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