

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TIMOTHY M. LEWIS,

Plaintiff,

v.

OFFICER T. MILLS, *et al.*,

Defendants.

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Civil Action No. 17-12798 (BRM)(LHG)

MEMORANDUM AND ORDER

THIS MATTER is opened to the Court by *pro se* Plaintiff Timothy M. Lewis (“Plaintiff”), a pre-trial detainee currently confined at Middlesex County Adult Correction Center in New Brunswick, New Jersey, upon the filing of a civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.)

Federal law requires this Court to screen Plaintiff’s Complaint for *sua sponte* dismissal prior to service, and to dismiss any claim if that claim fails to state a claim upon which relief may be granted under Federal Rule of Civil Procedure 12(b)(6) and/or to dismiss any defendant who is immune from suit. *See* 28 U.S.C. § 1915(e)(2)(B).

The Court has screened the Complaint in this action for dismissal and has determined that Plaintiff’s excessive force and failure to protect claims against Defendants Mills, Tapia, Banz, Rosa, Locorriere, and Ortiz shall proceed.

Accordingly,

IT IS on this 1st day of March 2018,

ORDERED that Plaintiff’s excessive force and failure to protect claims against Defendants Mills, Tapia, Banz, Rosa, Locorriere, and Ortiz shall **PROCEED** at this time; and it is further

ORDERED that, the Clerk shall mail to Plaintiff a transmittal letter explaining the procedure for completing United States Marshal (“Marshal”) 285 Forms (“USM-285 Forms”); and it is further

ORDERED that, once the Marshal receives the USM-285 Forms from Plaintiff and the Marshal so alerts the Clerk, the Clerk shall issue summons in connection with each USM-285 Form that has been submitted by Plaintiff, and the Marshal shall serve summons, the Complaint and this Order to the address specified on each USM-285 Form, with all costs of service advanced by the United States; and it is further

ORDERED that Defendants shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel; and it is further

ORDERED that, if at any time prior to the filing of a notice of appearance by Defendants, Plaintiff seeks the appointment of pro bono counsel or other relief, pursuant to Fed. R. Civ. P. 5(a) and (d), Plaintiff shall (1) serve a copy of the application by regular mail upon each party at his last known address and (2) file a Certificate of Service; and it is further

ORDERED that the Clerk of the Court shall serve Plaintiff with copies of this Order via regular mail.

/s/ *Brian R. Martinotti*

HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE