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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN MCALLISTER,

CASE NO. 1:06-cv-0082 OWW-WMW PC

Plaintiff,

ORDER FINDING SERVICE OF COMPLAINT
APPROPRIATE, AND FORWARDING
SERVICE DOCUMENTS TO PLAINTIFF FOR
COMPLETION AND RETURN WITHIN
THIRTY DAYS

v.

J. E. GUNJA., et al.,

Defendants.

(Doc. 1)

_____/

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Plaintiff filed this action on January 26, 2006. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Schultz for a violation of the Eighth Amendment and against Defendants Martin, McCarty, Gordon, Boister and Brown for violations of the First Amendment.¹ Fed. R. Civ. P. 8(a); Erickson v. Pardus, 127 S.Ct. 2197, 2200 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th Cir. 2008). Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff's equal protectio/Due Process claim and 42 U.S.C. § 1986 claim be dismissed for failure to state a claim, and Defendants Gunja, Booth, Gant, Ju;sino, Smith and U.S. Bureau of Prisons be dismissed based on Plaintiff's failure to state any claims against them.

1 PAUL M. SCHULTZ - Warden

2 L. MARTIN- CMS Manager

3 McCARTY - Shop Foreman

4 GORDON - Work Crew Correctional Officer

5 R. BOISTER - Work Crew Correctional Officer

6 R. BROWN - Case Manager

7 2. The Clerk of the Court shall send Plaintiff six USM-285 forms, six summonses, a
8 Notice of Submission of Documents form, an instruction sheet and a copy of the
9 complaint filed January 26, 2006.

10 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
11 attached Notice of Submission of Documents and submit the completed Notice to the
12 Court with the following documents:

13 a. Completed summons;

14 b. One completed USM-285 form for each defendant listed above; and

15 c. Seven copies of the endorsed complaint filed January 26, 2006.

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

20 5. The failure to comply with this order will result in a recommendation that this action
21 be dismissed.

22
23 IT IS SO ORDERED.

24 **Dated: February 10, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE