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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD ACKLEY,

Plaintiff,

vs.

1:06 CV 0771 AWI WMW PC

ORDER FINDING COMPLAINT
STATES A COLORABLE CLAIM
AND DIRECTING PLAINTIFF
TO COMPLETE USM 285 FORMS

D. CARROLL, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 11, 2003. The court has screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and finds that it appears to state cognizable claims for relief under 42 U.S.C. § 1983 against Defendant Carroll for retaliation and Defendants Blevin, Uribe and Wright for excessive force. Accordingly, it is HEREBY

ORDERED that:

1. Service is appropriate for the following defendants:

D. CARROLL

L. BLEVIN

D. URIBE

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WRIGHT

2. The Clerk of the Court shall send to plaintiff four USM-285 forms, four summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed June 19, 2006.
3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:
 - a. Completed summons;
 - b. One completed USM-285 form for each defendant listed above; and
 - c. Five copies of the endorsed complaint filed June 19, 2006.
4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: January 16, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE