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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM DOUGLAS MELLO,

1:06-cv-01221-SMS (PC)

Plaintiff,

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

v.

J.R. MARTINEZ and RIAGOZA,

Defendants.

(Doc. 13)

\_\_\_\_\_/

Plaintiff, William Douglas Mello, (“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 the Complaint on September 7, 2006. (Doc. 1.) Plaintiff consented to jurisdiction by U.S. Magistrate Judge on September 21, 2006. (Doc. 4.) On January 17, 2007, Plaintiff filed the First Amended Complaint. (Doc. 8.) The First Amended Complaint was screened and dismissed with leave to amend on November 25, 2008. (Doc. 12.) On December 22, 2008, Plaintiff filed the Second Amended Complaint. (Doc. 13.) The Court has screened Plaintiff’s Second Amended Complaint pursuant to 28 U.S.C. § 1915A and finds that service is appropriate.<sup>1</sup> 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).

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<sup>1</sup> In an Order issued concurrently with this Order, the Court ordered dismissal of Plaintiff’s claims under the Equal Protection Clause and Due Process Clause.

1 Accordingly, it is HEREBY ORDERED that:

2 1. Service shall be initiated on the following defendants:

3 **C/O J.R. MARTINEZ**

4 **C/O RIAGOZA**

5 2. The Clerk of the Court shall send Plaintiff two (2) USM-285 form, two (2)  
6 summonses, a Notice of Submission of Documents form, an instruction sheet and  
7 a copy of the Second Amended Complaint filed December 22, 2008.

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

11 a. Completed summonses;

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

13 c. Three (3) copies of the endorsed Second Amended Complaint, filed  
14 December 22, 2008.

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

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

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24 IT IS SO ORDERED.

25 **Dated: April 6, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE