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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROYCE KEVIN HOUSTON,

CASE NO. 1:06-cv-01318-AWI-WMW PC

Plaintiff,

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

v.

A. SCHWARZENEGGER, 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 September 5, 2006. The Court screened Plaintiff's November 17, 2006, amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states a cognizable First Amendment claim against Defendant Rosenthal.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:

R. ROSENTHAL

2. The Clerk of the Court shall send Plaintiff one USM-285 form, one summons, a

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff's remaining claims and the remaining defendants be dismissed.

1 Notice of Submission of Documents form, an instruction sheet and a copy of the
2 complaint filed November 17, 2006.

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

- 6 a. Completed summons;
- 7 b. One completed USM-285 form for each defendant listed above; and
- 8 c. Two copies of the endorsed amended complaint filed November 17, 2006.

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

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

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16 IT IS SO ORDERED.

17 **Dated: April 3, 2009**

18 /s/ William M. Wunderlich
19 UNITED STATES MAGISTRATE JUDGE
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