

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JASON LATRELL THOMAS,

CASE NO. 1:06-cv-01332-LJO-WMW PC

Plaintiff,

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

v.

D. SHEPPARD-BROOKS, et al.,

Defendants.

(Doc. 1)

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 25, 2006. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Wilber, Vikjord, Frescura, Price, Castro and Hernandez for violation of Plaintiff's First Amendment rights, Defendants Vikjord, Wilber, Castro, Frescura, Price and Hernandez for excessive force in violation of the Eighth Amendment, and Defendants D Sheppard-Brooks, Garza, Gonzales, Wilber and James for failure to protect in violation of the Eighth Amendment.<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). Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

<sup>1</sup> In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff's equal protection and supervisory liability claims be dismissed for failure to state a claim, and Defendant Adams be dismissed based on Plaintiff's failure to state any claims against him.

1 WILBER  
2 VIKJORD  
3 FRESCURA  
4 PRICE  
5 CASTRO  
6 HERNANDEZ  
7 D. SHEPPARD-BROOKS  
8 I. GARZA  
9 M. GONZALES  
10 JAMES  
11

- 12 2. The Clerk of the Court shall send Plaintiff ten USM-285 forms, ten summons, a  
13 Notice of Submission of Documents form, an instruction sheet and a copy of the  
14 complaint filed September 25, 2006.
- 15 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the  
16 attached Notice of Submission of Documents and submit the completed Notice to the  
17 Court with the following documents:
- 18 a. Completed summons;  
19 b. One completed USM-285 form for each defendant listed above; and  
20 c. Eleven copies of the endorsed complaint filed September 25, 2006.
- 21 4. Plaintiff need not attempt service on Defendants and need not request waiver of  
22 service. Upon receipt of the above-described documents, the Court will direct the  
23 United States Marshal to serve the above-named defendants pursuant to Federal Rule  
24 of Civil Procedure 4 without payment of costs.
- 25 5. The failure to comply with this order will result in a recommendation that this action  
26 be dismissed.  
27

28 IT IS SO ORDERED.

**Dated: February 10, 2009**

**/s/ William M. Wunderlich**  
UNITED STATES MAGISTRATE JUDGE