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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
910 JASON LATRELL THOMAS, CASE NO. 1:06-cv-01332-LJO-WMW PC
11 Plaintiff, ORDER FINDING SERVICE OF COMPLAINT APPROPRIATE, AND FORWARDING
12 v. SERVICE DOCUMENTS TO PLAINTIFF FOR COMPLETION AND RETURN WITHIN
13 D. SHEPPARD-BROOKS, et al., THIRTY DAYS
14 Defendants. (Doc. 1)
15

16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action
17 pursuant to 42 U.S.C. § 1983 Plaintiff filed this action on September 25, 2006. The Court screened
18 Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims
19 against Defendants Wilber, Vikjord, Frescura, Price, Castro and Hernandez for violation of
20 Plaintiff's First Amendment rights, Defendants Vikjord, Wilber, Castro, Frescura, Price and
21 Hernandez for excessive force in violation of the Eighth Amendment, and Defendants D Sheppard-
22 Brooks, Garza, Gonzales, Wilber and James for failure to protect in violation of the Eighth
23 Amendment.¹ Fed. R. Civ. P. 8(a); Erickson v. Pardus, 127 S.Ct. 2197, 2200 (2007); Alvarez v. Hill,
24 518 F.3d 1152, 1157-58 (9th Cir. 2008). Accordingly, it is HEREBY ORDERED that:25 1. Service is appropriate for the following defendants:
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27 ¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that
28 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

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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.

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28 IT IS SO ORDERED.

1 **Dated: February 10, 2009**

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

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