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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RAYMOND MONTEZELLO, aka  
ROY ANDRES MONTES,

Plaintiff,

v.

WILLIAM MCGUINNESS, M.D., et al.,

Defendants.

CASE NO. 1:06-cv-01651-OWW-WMW PC

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

(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 November 16, 2006. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Adams, Davis and Miranda for retaliation in violation of the First Amendment, Defendants Medina, Hense and Ostein for deliberate indifference to Plaintiff's safety in violation of the Eighth Amendment and Defendants Allison, Alvarez, Alcantar, Garcia, Johnson, Martinez and Emerson for excessive force 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:

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<sup>1</sup> In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff's claims against the California Department of Corrections and Rehabilitation be dismissed.

- 1 ADAMS
- 2 DAVIS
- 3 MIRANDA
- 4 MEDINA
- 5 HENSE
- 6 OSTEIN
- 7 ALLISON
- 8 ALVAREZ
- 9 ALCANTAR
- 10 GARCIA
- 11 JOHNSON
- 12 MARTINEZ
- 13 EMERSON

- 14 2. The Clerk of the Court shall send Plaintiff thirteen USM-285 forms, thirteen
- 15 summonses, a Notice of Submission of Documents form, an instruction sheet and a
- 16 copy of the amended complaint filed February 1, 2008.
- 17 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
- 18 attached Notice of Submission of Documents and submit the completed Notice to the
- 19 Court with the following documents:
- 20 a. Completed summons;
- 21 b. One completed USM-285 form for each defendant listed above; and
- 22 c. Fourteen copies of the endorsed amended complaint filed February 1, 2008.
- 23 4. Plaintiff need not attempt service on Defendants and need not request waiver of
- 24 service. Upon receipt of the above-described documents, the Court will direct the
- 25 United States Marshal to serve the above-named defendants pursuant to Federal Rule
- 26 of Civil Procedure 4 without payment of costs.
- 27 5. The failure to comply with this order will result in a recommendation that this action
- 28 be dismissed.

1 IT IS SO ORDERED.

2 **Dated: February 11, 2009**

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

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