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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEE EDWARD PEYTON,

Plaintiff,

v.

PAT L. VASQUEZ, et al.,

Defendants.

CASE NO. 1:06-cv-01758-OWW-GSA PC

ORDER DIRECTING CLERK’S OFFICE TO
SEND PLAINTIFF COPY OF FIRST
AMENDED COMPLAINT

(Doc. 5)

ORDER DIRECTING CLERK’S OFFICE TO
ISSUE SIX SUMMONSES AND SIX USM-285
FORMS FOR COMPLETION AND RETURN
WITHIN THIRTY DAYS

(Doc. 49)

_____/

Plaintiff Lee Edward Peyton (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the Court’s order filed December 4, 2008, this action shall proceed on Plaintiff’s first amended complaint, filed January 3, 2007, against Defendants Kuykendall, Wilson, Garcia, Kirby, Elias, and Holbuin for use of excessive physical force, in violation of the Eighth Amendment. 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:

C/O TROY KUYKENDALL

C/O BRIAN WILSON

C/O GARCIA

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C/O KIRBY
C/O ELIAS
C/O HOLBUIN

- 2. The Clerk of the Court shall send Plaintiff six (6) USM-285 forms, six (6) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the first amended complaint filed January 3, 2007.
- 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:
 - a. Completed summons;
 - b. One completed USM-285 form for each defendant listed above; and
 - c. Seven (7) copies of the endorsed amended complaint filed January 3, 2007.
- 4. Plaintiff need not attempt service on Defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
- 5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: January 16, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE