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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WADE BUSH,

Plaintiff,

v.

JAMES A. YATES, et al.,

Defendants.

CASE NO. 1:06-cv-01904-AWI-SMS PC

ORDER AUTHORIZING SERVICE OF
SECOND AMENDED COMPLAINT, AND
FORWARDING SERVICE DOCUMENTS TO
PLAINTIFF FOR COMPLETION AND
RETURN WITHIN THIRTY DAYS

(Doc. 34)

Plaintiff Wade Bush 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 December 29, 2006. Pursuant to the Court’s screening orders, this damages action shall proceed on Plaintiff’s second amended complaint, filed August 1, 2008, against Defendant Price for retaliation in violation of the First Amendment, and against Defendants Ortiz, Benyamin, Foreman, McCoy, Mattern, Coleman, Manasra, Duenas, Rutter, Walls, and Robinson for denial of medical care in violation of the Eighth Amendment.¹ Fed. R. Civ. P. 8(a); Erickson v. Pardus, 551 U.S. 89, 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 On April 9, 2009, Plaintiff’s Eighth Amendment medical care claim against Defendants Yates, Igbinsosa, Elliot, and Price, and Plaintiff’s supervisory liability claim against Defendants Tilton, Kanan, Yates, Igbinsosa, Foreman, McCoy, and Price were dismissed, with prejudice, for failure to state a claim upon which relief may be granted; Plaintiff’s state law tort claims were dismissed, without prejudice, for failure to allege compliance with the California Tort Claims Act in the second amended complaint; Defendants Yates, Igbinsosa, Elliot, Tilton, and Kanan were dismissed from this action based on Plaintiff’s failure to state any claims upon which relief may be granted against them; and Defendant Merritt was dismissed from this action based on Plaintiff’s notice of voluntary dismissal.

1 1. Service shall be initiated on the following defendants:

2 **BILL PRICE**

3 **DR. R. S. ORTIZ**

4 **DR. HANI BENYAMIN**

5 **LT. D. R. FOREMAN**

6 **LT. K. J. MCCOY**

7 **BONNIE MATTERN, RN**

8 **D. COLEMAN, FNP**

9 **A. MANASRA, RN**

10 **A. DUENAS, RN**

11 **SANDY RUTTER, RN**

12 **J. WALLS, MTA**

13 **D. ROBINSON, MTA**

14 2. The Clerk of the Court shall send Plaintiff twelve (12) USM-285 forms, twelve (12)
15 summonses, a Notice of Submission of Documents form, an instruction sheet and a
16 copy of the second amended complaint filed August 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. Thirteen (13) copies of the endorsed second amended complaint filed August
23 1, 2008.

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

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

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4 IT IS SO ORDERED.

5 **Dated:** April 10, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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