

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

CASE NO. 1:07-cv-00493-AWI DLB PC

Plaintiff,

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

v.

JOHN TILTON, et al.,

Defendants.

(Doc. 41)

_____ /

Plaintiff Barry Louis Lamon (“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 March 29, 2007 and filed a third amended complaint on December 18, 2008. The Court screened Plaintiff’s third amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Luna, Price, Wilber, Vikjord, Aspieda, Magvass, Vanzant, Hamilton, Cortez, Frescura, Elize, Alvarez and Hernandez for violation of the First and Eighth Amendments of the United States Constitution, and for violation of section 52.1 of the California Civil Code.¹ 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:

Luna

Price

Wilber

Vikjord

¹ In a Findings and Recommendations issued June 30, 2009, the Court recommended dismissal of Plaintiff’s claims One, Two, Three, Four, Five, Six, Eight, Ten, Eleven, Twelve, Thirteen, Fourteen and Sixteen with prejudice, and dismissal of Plaintiff’s claim Nine without prejudice. The Findings and Recommendations was adopted in full by order filed August 11, 2009. (Doc. 68.)

1 Aspieda
2 Magvass
3 Vanzant
4 Hamilton
5 Cortez
6 Frescura
7 Elize
8 Alvarez
9 Hernandez

- 10 2. The Clerk of the Court shall send Plaintiff thirteen (13) USM-285 forms, thirteen
11 (13) summonses, a Notice of Submission of Documents form, an instruction sheet
12 and a copy of the third amended complaint filed December 18, 2008.
- 13 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
14 attached Notice of Submission of Documents and submit the completed Notice to the
15 Court with the following documents:
- 16 a. Completed summons;
 - 17 b. One completed USM-285 form for each defendant listed above; and
 - 18 c. Fourteen (14) copies of the endorsed complaint filed December 18, 2008
- 19 4. Plaintiff need not attempt service on Defendants and need not request waiver of
20 service. Upon receipt of the above-described documents, the Court will direct the
21 United States Marshal to serve the above-named defendants pursuant to Federal Rule
22 of Civil Procedure 4 without payment of costs.
- 23 5. The failure to comply with this order will result in a recommendation that this action
24 be dismissed.

25
26 IT IS SO ORDERED.

27 Dated: August 12, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE