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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARCUS J. BARNHARDT,

CASE NO. 1:07-cv-00539-LJO DLB PC

Plaintiff,

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

v.

JAMES TILTON, et al.,

Defendants.

_____ /

Plaintiff Marcus J. Barnhardt (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Bryan Hui-Phi, Das Pac, K. Vilasane, and Felix Igbignosa for deliberate indifference to a serious medical need.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:

Bryan Hui-Phi

Das Pac

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that defendants James Tilton, James Yates, and A. Shimmin be dismissed from this action for Plaintiff’s failure to state any claims upon which relief may be granted.

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K. Vilasane
Felix Igbignosa

- 2. The Clerk of the Court shall send Plaintiff four (4) USM-285 forms, four (4) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed March 11, 2008.
- 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. Five (5) copies of the endorsed complaint filed March 11, 2008.
- 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 6, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE