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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANIEL ROWE,

Plaintiff,

v.

M. CASTRO, et al.,

Defendants.

CASE NO. 1:07-cv-01150-OWW-GSA PC

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

(Doc. 10)

Plaintiff Daniel Rowe (“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 August 8, 2007. The Court screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states a claim against Defendants Castro and Frescura for retaliation in violation of the First 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. Service shall be initiated on the following defendants:

C/O M. CASTRO

C/O K. FRESCURA

¹ On February 17, 2009, Plaintiff’s First Amendment claim arising from the reading of his legal mail, due process claim arising from the deprivation of his property, and claim against Defendants Maldonado, Salinas, and Grannis based on their responses to his administrative grievances were dismissed for failure to state a claim under section 1983; and Defendants Rodriguez, Maldonado, Salinas, and Grannis are dismissed from this action based on Plaintiff’s failure to state any claims upon which relief may be granted against them under section 1983.

2. The Clerk of the Court shall send Plaintiff two (2) USM-285 forms, two (2) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed May 22, 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. Three (3) copies of the endorsed amended complaint filed May 22, 2008.
4. Plaintiff need not attempt service on the 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: February 18, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE