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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAVELL PLAYER,

CASE NO. 1:07-cv-01312-OWW-DLB PC

Plaintiff,

v.

ORDER FINDING SERVICE OF SECOND
AMENDED COMPLAINT APPROPRIATE
AND FORWARDING DOCUMENTS TO
PLAINTIFF

B. JOHNSON, et al.,

Defendants.

(Doc. 13)

Lavell Player("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed his original complaint on January 23, 2007, in the Northern District of California. (Doc. 1.) Plaintiff's case was transferred to the Eastern District of California on September 12, 2007. (Id.) Plaintiff filed a first amended complaint on January 7, 2008. (Doc. 11.) On November 6, 2008, the Court ordered that Plaintiff either file a second amended complaint or notify the Court of willingness to proceed only on claims found to be cognizable. (Doc. 12.) Plaintiff filed a second amended complaint on December 9, 2008. (Doc. 13.) The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and finds that it states a cognizable claim for relief under section 1983 against defendants B. Johnson and Proulx for excessive force in violation of the Eighth Amendment and against defendants Watson, Rangel, Ofstedhal, Miller, Felder and Campbell for

1 retaliation in violation of the First Amendment.¹

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Service is appropriate for defendants

4 B. JOHNSON

5 PROULX

6 WATSON

7 RANGEL

8 OFTEDHAL

9 MILLER

10 FELDER

11 CAMPBELL

12 2. The Clerk of the Court shall send Plaintiff eight (8) USM-285 forms, eight (8)
13 summons, a Notice of Submission of Documents form, an instruction sheet and a
14 copy of the second amended complaint filed December 9, 2008.

15 3. Within **THIRTY (30) DAYS** from the date of this Order, Plaintiff shall complete
16 the attached Notice of Submission of Documents and submit the completed
17 Notice to the Court with the following documents:

18 a. Completed summons;

19 b. One completed USM-285 form for each defendant listed above; and

20 c. Nine (9) copies of the endorsed second amended complaint filed
21 December 9, 2008.

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

26
27 ¹ In a separate Findings and Recommendations issued concurrently with this Order, the Court recommended
28 that defendants Kavanaugh and Fields be dismissed from this action for Plaintiff's failure to state a claim upon which
relief may be granted. (Doc. 14.)

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5. The failure to comply with this Order will result in a Recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: April 3, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE