

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHAULTON MITCHELL,

Plaintiff,

v.

HERNANDEZ, et al.,

Defendants.

CASE NO. 1:07-cv-01322-AWI DLB PC

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

/ (Doc. 17)

Plaintiff Shaulton Mitchell ("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 his original complaint on September 12, 2007. (Doc. 1.) Plaintiff filed his first amended complaint on March 17, 2008. (Doc. 14.) The Court dismissed Plaintiff's first amended complaint with leave to amend on June 17, 2008. (Doc. 16.) Plaintiff filed a second amended complaint on July 21, 2008. (Doc. 17.) The Court has screened Plaintiff's second amended complaint pursuant to 28 U.S.C. § 1915A and finds that service is appropriate.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 shall be initiated on the following defendants:

Hernandez

¹ In a Findings and Recommendations issued concurrently with this order, the Court recommended dismissal of the defendants Jones, Cano, Ruiz, and Thompson for Plaintiff's failure to state a claim upon which relief may be granted.

Aguirre
Gutierrez
Compelbel
Masiel
Bustos
Sloss
Aguayo
Martinez

2. The Clerk of the Court shall send Plaintiff nine (9) USM-285 forms, nine (9) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the second amended complaint filed July 21, 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. Ten (10) copies of the endorsed second amended complaint filed July 21, 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