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**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 VACATING ORDER DIRECTING  
SERVICE BY UNITED STATES MARSHAL

(Doc. 30)

ORDER 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 a second amended complaint on July 21, 2008. (Doc. 17.)

On January 7, 2009 the Court screened Plaintiff’s second amended complaint pursuant to 28 U.S.C. § 1915A and found service appropriate. Plaintiff was forwarded service documents for completion and return. Plaintiff returned the documents on March 20, 2009 and the court directed the United States Marshal to initiate service on March 23, 2009. (Docs. 29, 30). However, it appears that the service documents returned by Plaintiff were incomplete and therefore service could not be effected. Accordingly, the Court shall re-send to Plaintiff new service documents for completion and return.

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1 Accordingly, it is HEREBY ORDERED that:

2 1. The order directing service by the United States Marshal, filed March 23, 2009 is  
3 hereby ordered vacated;

4 2. Service shall be initiated on the following defendants:

5 Hernandez

6 Aguirre

7 Gutierrez

8 Compelbel

9 Masiel

10 Bustos

11 Sloss

12 Aguayo

13 Martinez

14 3. The Clerk of the Court shall send Plaintiff nine (9) USM-285 forms, nine (9)  
15 summonses, a Notice of Submission of Documents form, an instruction sheet and a  
16 copy of the second amended complaint filed July 21, 2008.

17 4. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the  
18 attached Notice of Submission of Documents and submit the completed Notice to the  
19 Court with the following documents:

20 a. Completed summons;

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

22 c. Ten (10) copies of the endorsed amended complaint filed July 21, 2008.

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

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