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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LON CARTER,  
  
Plaintiff,  
  
v.  
  
NICK DAWSON, et al.,  
  
Defendants.

CASE NO. 1:07-cv-01325-OWW-WMW PC  
  
ORDER FINDING SERVICE OF COMPLAINT  
APPROPRIATE, AND FORWARDING  
SERVICE DOCUMENTS TO PLAINTIFF FOR  
COMPLETION AND RETURN WITHIN  
THIRTY DAYS

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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 September 11, 2007. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Dawson and Mendoza- Powers for policies creating unconstitutional conditions of confinement in violation of the Eighth Amendment.<sup>1</sup> 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:  
  
NICK DAWSON  
  
KATHY MENDOZA-POWERS

\_\_\_\_\_  
<sup>1</sup> In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff's claims against appeal reviewers, and claims against Defendants Weinstein, Karr, Ndoa and Bear be dismissed.

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- 2. The Clerk of the Court shall send Plaintiff two USM-285 forms, two summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed September 11, 2007.
- 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 copies of the endorsed complaint filed September 11, 2007.
- 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:** April 3, 2009

/s/ William M. Wunderlich  
UNITED STATES MAGISTRATE JUDGE