

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ERNEST MILLER,

Plaintiff,

v.

CDC WARDEN AND STAFF, et al.,

Defendants.

CASE NO. 1:07-cv-01416-LJO-DLB PC

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

(Doc. 27)

Plaintiff Ernest Miller (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983 and California law. Plaintiff filed this action on September 27, 2007. The Court has screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A and finds that service is appropriate for defendant Ortize.<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 shall be initiated on the following defendants:

ORTIZE

2. The Clerk of the Court shall send Plaintiff one (1) USM-285 form, one (1) summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed June 9, 2008.

---

<sup>1</sup> In a Findings and Recommendations issued December 18, 2008, the Court recommended dismissal of defendants Scribner, Adams, Mendes, Kibler and Fisher for plaintiff’s failure to state a claim upon which relief may be granted, and recommended that this action proceed only against defendant Ortize for violation of the Eighth Amendment.

