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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RODNEY LAMONT DOWD,

Plaintiff,

v.

JAMES YATES, et al.,

Defendants.

CASE NO. 1:07-cv-01505 OWW DLB PC

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

/ (Doc. 16)

Plaintiff Rodney Dowd (“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 October 15, 2007. The Court has screened Plaintiff’s second amended complaint pursuant to 28 U.S.C. § 1915A and finds that service is appropriate against the defendants listed below for violation of the Eighth Amendment.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:

ARGURRAIDE

JENAN

K. WARD

A. DEFOSESSES

¹ In a order adopting the Findings and Recommendations issued January 12, 2009, the Court dismissed defendants Bonner and Yates from this action for failure to state a claim upon which relief may be granted against them. Service shall be initiated against all other named defendants.

1 J. TEATER

2 S. MEYST

3 M. McCOLLUM

4 2. The Clerk of the Court shall send Plaintiff seven (7) USM-285 forms, seven (7)
5 summonses, a Notice of Submission of Documents form, an instruction sheet and a
6 copy of the second amended complaint filed July 8, 2008.

7 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
8 attached Notice of Submission of Documents and submit the completed Notice to the
9 Court with the following documents:

10 a. Completed summons;

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

12 c. Eight (8) copies of the endorsed second amended complaint filed July 8,
13 2008.

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

18 5. The failure to comply with this order will result in a recommendation that this action
19 be dismissed.

20
21 IT IS SO ORDERED.

22 **Dated: January 29, 2009**

/s/ Dennis L. Beck
23 UNITED STATES MAGISTRATE JUDGE