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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODNEY S. KOCH,

CASE NO. 1:07-cv-01698-LJO-YNP PC

Plaintiff,

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

v.

JAMES E. TILTON, et al.,

Defendants.

Plaintiff Rodney S. Koch (“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 initiated this action on November 26, 2007. Plaintiff’s Original Complaint was screened and dismissed on July 15, 2008. (Doc. 9.) Plaintiff filed his First Amended Complaint on November 17, 2008. (Doc. #14.) Before the Court screened Plaintiff’s First Amended Complaint, Plaintiff filed his Second Amended Complaint on July 14, 2009. (Doc. #17.) This action proceeds on Plaintiff’s Second Amended Complaint.

The Court screened Plaintiff’s Second Amended Complaint pursuant 28 U.S.C. § 1915A and found that it states cognizable claims against Defendants Darrell Adams, Mathew Cate, and Susan Hubbard. See Fed. R. Civ. P. 8(a); see also Erickson v. Pardus, 551 U.S. 89, 93-94 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th Cir. 2008). Plaintiff alleges that California Department of Corrections and Rehabilitation regulations prohibit inmates who subscribe to the Odinist religion from worshiping in group settings in the Security Housing Units. Plaintiff alleges that the group rituals are necessary for the practice of his religion. Plaintiff further alleges that the regulations do not further a compelling governmental interest and are not the least restrictive means of furthering

1 any governmental interest. Plaintiff thus claims that the prison regulations violate the Religious
2 Land Use and Institutionalized Persons Act of 2000. See 42 U.S.C. § 2000cc-1. Plaintiff has also
3 requested preliminary injunctive relief in his complaint. Defendants will be directed to file a
4 response to Plaintiff's request for equitable relief after they have been served.

5 Accordingly, it is HEREBY ORDERED that:

6 1. Service is appropriate for the following defendants:

7 DARRELL ADAMS

8 MATHEW CATE

9 SUSAN HUBBARD

10 2. The Clerk of the Court shall send Plaintiff three (3) USM-285 forms, three (3)
11 summonses, a Notice of Submission of Documents form, an instruction sheet and a
12 copy of the Second Amended Complaint filed July 14, 2009.

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

16 a. Completed summons;

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

18 c. Four (4) copies of the endorsed complaint filed July 14, 2009.

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

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

25 IT IS SO ORDERED.

26 **Dated: October 5, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE