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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ROBERT GARCIA,

Plaintiff,

v.

L. SILVA, et al.,

Defendants.

CASE NO. 1:07-cv-001750-AWI DLB PC

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

Plaintiff Robert Garcia (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 3, 2007. The Court has screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A and finds that service is appropriate.<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:

F. OJEDA

L. SILVA

2. The Clerk of the Court shall send Plaintiff two (2) USM-285 forms, two (2) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed December 3, 2007.

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<sup>1</sup> In a Findings and Recommendations issued concurrently with this order, the Court recommended dismissal of defendants Masiel, Davis, Akin, Hall, and Baiderama from this action for plaintiff’s failure to state a claim upon which relief may be granted.

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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 (3) copies of the endorsed complaint filed December 3, 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: January 12, 2009**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE