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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TRINIDAD GOMEZ,

Plaintiff,

v.

PENA, et al.,

Defendants.

CASE NO. 1:08-cv-00200-OWW DLB PC

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

(Doc. 1)

Plaintiff Trinidad Gomez (“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 February 8, 2008. The Court has screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and finds that service is appropriate for defendants Tyner and Daguman.<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:

TYNER

DAGUMAN

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

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<sup>1</sup> In a Findings and Recommendations issued concurrently with this order, the Court recommended dismissal of Defendants Pena, C/O Doe (Pena’s partner), Edmond, Smith, Harris, R. Vogel, CSP pharmacy, Melendez; Amaya, Poblete, Cabatu, Renteria, Zoher Mina, N. Grannis, and the Specialist at Bakersfield Pain Center from this action.

1 copy of the complaint filed February 8, 2008.

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

- 5 a. Completed summons;
- 6 b. One completed USM-285 form for each defendant listed above; and
- 7 c. Three (3) copies of the endorsed complaint filed February 8, 2008

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

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

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16 IT IS SO ORDERED.

17 **Dated: February 9, 2009**

18 /s/ Dennis L. Beck  
19 UNITED STATES MAGISTRATE JUDGE  
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