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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK COCKRELL,

Plaintiff,

vs.

1:08 CV 0259 AWI WMW PC

ORDER FINDING COMPLAINT
STATES A COLORABLE CLAIM
AND DIRECTING PLAINTIFF
TO COMPLETE USM 285 FORMS

W. J. SULLIVAN, et al.,

Defendants.

Plaintiff George T. Taitano (“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 filed this action on August 11, 2003. The court has screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and finds that it appears to state cognizable claims for relief under 42 U.S.C. § 1983 against defendants Avalos for retaliation in violation of the First Amendment Lewis, Austin, and Biggs for failing to protect him, in violation of the Eighth Amendment. Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:
CORRECTIONAL COUNSELOR AVALOS
2. The Clerk of the Court shall send to plaintiff one USM-285 form, one summons,

1 a Notice of Submission of Documents form, an instruction sheet and a copy of the
2 complaint filed February 21, 2008.

- 3 3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the
4 attached Notice of Submission of Documents and submit the completed Notice to
5 the court with the following documents:
- 6 a. Completed summons;
 - 7 b. One completed USM-285 form for each defendant listed above; and
 - 8 c. Two copies of the endorsed complaint filed February 21, 2008.
- 9 4. Plaintiff need not attempt service on defendants and need not request waiver of
10 service. Upon receipt of the above-described documents, the court will direct the
11 United States Marshal to serve the above-named defendants pursuant to Federal
12 Rule of Civil Procedure 4 without payment of costs.
- 13 5. The failure to comply with this order will result in a recommendation that this
14 action be dismissed.

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18 IT IS SO ORDERED.

19 **Dated: February 3, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE