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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 ANDERSON THURSTON, CASE NO. 1:08-cv-00342-AWI-SMS PC

10 Plaintiff, ORDER FINDING SERVICE OF AMENDED

11 v. COMPLAINT APPROPRIATE, AND

FORWARDING SERVICE DOCUMENTS TO

12 ARNOLD SCHWARZENEGGER, et al., PLAINTIFF FOR COMPLETION AND

RETURN WITHIN THIRTY DAYS

13 Defendants. (Doc. 20)

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15 Plaintiff Anderson Thurston is a state prisoner proceeding pro se and in forma pauperis in  
16 this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on February 27, 2008.  
17 The Court has screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A, and finds that  
18 it states a cognizable Eighth Amendment claim against Defendants Tilton, Kernan, Yates, Igbinosa,  
19 Grannis, Cassesi, Ahlin, and Vilaysane.<sup>1</sup> Fed. R. Civ. P. 8(a); Erickson v. Pardus, 127 S.Ct. 2197,  
20 2200 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th Cir. 2008). Accordingly, it is HEREBY  
21 ORDERED that:

22 1. Service is appropriate for the following defendants:

23 JAMES TILTON, FORMER CDCR SECRETARY

24 SCOTT KERNAN, CDCR UNDERSECRETARY

25 WARDEN JAMES YATES

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28 <sup>1</sup> Plaintiff alleges a violation of his rights under the Eighth and Fourteenth Amendments. Because the  
Eighth Amendment is applicable to the states through the Fourteenth Amendment, e.g. Kennedy v. Louisiana, 128  
S.Ct. 2641, 2649 (2008), Plaintiff's reference to the Fourteenth Amendment is treated as such, as there are no other  
legal claims identified and no factual allegations supporting any claims other than an Eighth Amendment claim.

1 FELIX IGBINOSA, CHIEF MEDICAL OFFICER

2 N. GRANNIS

3 G. CASSESI

4 ASSOCIATE WARDEN JOHN AHLIN

5 DR. K. VILAYSANE

6 2. The Clerk of the Court shall send Plaintiff eight (8) USM-285 forms, eight (8)  
7 summonses, a Notice of Submission of Documents form, an instruction sheet and a  
8 copy of the amended complaint filed June 19, 2008.

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

12 a. Completed summons;  
13 b. One completed USM-285 form for each defendant listed above; and  
14 c. Nine (9) copies of the endorsed amended complaint filed June 19, 2008.

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

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

21  
22 IT IS SO ORDERED.

23 Dated: April 6, 2009

24 /s/ Sandra M. Snyder  
25 UNITED STATES MAGISTRATE JUDGE  
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