

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANDERSON THURSTON,

CASE NO. 1:08-cv-00342-AWI-SMS PC

Plaintiff,

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

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

(Doc. 20)

Plaintiff Anderson Thurston 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 February 27, 2008. The Court has screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A, and finds that it states a cognizable Eighth Amendment claim against Defendants Tilton, Kernan, Yates, Igbinosa, Grannis, Cassesi, Ahlin, and Vilaysane.¹ 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 is appropriate for the following defendants:

JAMES TILTON, FORMER CDCR SECRETARY

SCOTT KERNAN, CDCR UNDERSECRETARY

WARDEN JAMES YATES

¹ 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.

FELIX IGBINOSA, CHIEF MEDICAL OFFICER

N. GRANNIS

G. CASSESI

ASSOCIATE WARDEN JOHN AHLIN

DR. K. VILAYSANE

2. The Clerk of the Court shall send Plaintiff eight (8) USM-285 forms, eight (8) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed June 19, 2008.
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. Nine (9) copies of the endorsed amended complaint filed June 19, 2008.
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: April 6, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE