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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRED PRICE,

Plaintiff,

v.

S. R. CUNNINGHAM, et al.,

Defendants.

1:08-cv-00425 AWI YNP GSA (PC)

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

(Doc. 1)

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 This action proceeds on the original complaint. On February 21, 2010, the court screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Cunningham and Mullins for deliberate indifference to a serious threat to Plaintiff’s safety and use of excessive force in violation of the Eighth Amendment. Plaintiff also states a cognizable claim against Cunningham for retaliation against Plaintiff’s exercise of his First Amendment rights.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:

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff’s equal protection claim be dismissed for failure to state a claim, and Defendants Gamblin, Hartman, Mack, Large, Sailor, Lynker and Hopkins be dismissed .

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S. R. CUNNINGHAM

MULLINS

2. The Clerk of the Court shall send Plaintiff two USM-285 forms, two summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed March 24, 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. Three copies of the endorsed complaint filed March 24, 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: March 3, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE