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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANIEL R. PEREZ,

Plaintiff,

v.

KEN CLARK, et al.,

Defendants.

CASE NO. 1:08-cv-00466-OWW-SMS PC

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

(Doc. 15)

Plaintiff Daniel R. Perez 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 15, 2008. The Court screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states a claim against Defendants Olmos, Perez, Sanchez, Paz, and Munoz for use of excessive physical force, against Defendant Munoz for the unconstitutional conditions of confinement in cell 232, and against Defendants Marquez, Jimenez, Haines, and Talle for denial of medical care.¹ Fed. R. Civ. P. 8(a); Erickson v. Pardus, 551 U.S. 89, 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:

C/O J. OLMOS

C/O R. PEREZ

¹ On April 3, 2009, Plaintiff’s claim arising from the conditions of confinement in cell 117 was dismissed, with prejudice, for failure to state a claim; and Defendants Clark, Roberson, Castello, Silva, and Blanks were dismissed based on Plaintiff’s failure to state any claims upon which relief may be granted against them.

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C/O J. SANCHEZ

C/O P. PAZ

SGT. C. MUNOZ

MTA S. MARQUEZ

MTA JIMENEZ

RN HAINS

MTA TALLE

- 2. The Clerk of the Court shall send Plaintiff nine (9) USM-285 forms, nine (9) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed November 5, 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. Ten (10) copies of the endorsed amended complaint filed November 5, 2008.
- 4. Plaintiff need not attempt service on the 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 8, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE