

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AASIM NIA,

Plaintiff,

v.

DERRAL ADAMS,

Defendant.

CASE NO. 1:08-cv-00520-AWI-DLB PC

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

(Doc. 1)

Aasim Nia ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 16, 2008. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and finds that it states a cognizable claim for relief under section 1983 against defendant Warden Derral Adams for discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.¹

Accordingly, IT IS HEREBY ORDERED that:

1. Service is appropriate for defendant

WARDEN DERRAL ADAMS

2. The Clerk of the Court shall send Plaintiff one (1) USM-285 form, one (1) summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the complaint filed April 16, 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:

¹On January 6, 2009, the Court issued an Order to Show Cause ordering that Plaintiff show cause as to why this Court should not dismiss this action pursuant to 42 U.S.C. § 1997e(a). (Doc. 7.) By separate order, the Court discharged the Order to Show Cause.

- a. Completed summons;
 - b. One completed USM-285 form for each defendant listed above; and
 - c. Two (2) copies of the endorsed complaint filed April 16, 2008.
4. Plaintiff need not attempt service on Defendant 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 Defendant 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: February 4, 2009

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE