

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT TREVINO,

CASE NO. 1:08-cv-01649-AWI-DLB PC

Plaintiff,

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

v.

MCBRIDE, et al.,

Defendants.

Plaintiff Robert Trevino ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against defendants Cano and Roberts for retaliation in violation of the First Amendment.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:

CANO

ROBERTS

2. The Clerk of the Court shall send Plaintiff two (2) USM-285 forms, two (2)

¹In a Findings and Recommendations issued concurrently with this order, the Court recommended that defendants McBride, Yates, and the director of the CDC be dismissed from this action with prejudice for Plaintiff's failure to state any claims upon which relief may be granted.

1 summonses, a Notice of Submission of Documents form, an instruction sheet and
2 a copy of the complaint filed October 29, 2008.

- 3 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
4 attached Notice of Submission of Documents and submit the completed Notice to
5 the Court with the following documents:
- 6 a. Completed summons;
 - 7 b. One completed USM-285 form for each defendant listed above; and
 - 8 c. Three (3) copies of the endorsed complaint filed October 29, 2008.
- 9 4. Plaintiff need not attempt service on Defendants and need not request waiver of
10 service. Upon receipt of the above-described documents, the Court will direct the
11 United States Marshal to serve the above-named defendants pursuant to Federal
12 Rule of Civil Procedure 4 without payment of costs.
- 13 5. The failure to comply with this order will result in a recommendation that this
14 action be dismissed.

15
16 IT IS SO ORDERED.

17 **Dated: April 9, 2009**

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