

**FILED**

OCT 19 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10	MATTHEW B. CRAMER,	)	1:08-cv-01693-OWW-SMS
		)	
11	Plaintiff,	)	ORDER DETERMINING THAT SERVICE IS
		)	APPROPRIATE ON DEFENDANT CLEVON
12		)	WHEATON, PREVIOUSLY DESIGNATED AS
	v.	)	DEFENDANT JOHN DOE (DOC. 17)
13		)	
14	TARGET CORPORATION, et al.,	)	DIRECTIONS TO THE CLERK AND
		)	PLAINTIFF CONCERNING SERVICE
15	Defendants.	)	DOCUMENTS
		)	
16	_____	)	DIRECTIONS TO THE MARSHAL
		)	CONCERNING SERVICE
17		)	
18		)	DIRECTIONS TO THE CLERK TO RETURN
19		)	PLAINTIFF'S PROPOSED ORDER OF
20		)	SERVICE
21		)	
22		)	

Cramer v. Target Corporation et al

Doc. 24

Plaintiff is a state prisoner proceeding pro se with an action for damages and other relief concerning alleged civil rights violations. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302 and 72-304.

The Court has previously ordered service of the complaint on

1 several Defendants. Plaintiff has now ascertained that the name  
2 of the defendant named as Defendant John Doe or Defendant 4 in  
3 the first amended complaint is Clevon Wheaton, and Plaintiff  
4 seeks to have service effected on said Defendant.

5 Therefore, the Court will order service of the complaint on  
6 said Defendant.

7 Further, the Court has received from Plaintiff what is  
8 entitled an order of service, but it appears to be a proposed  
9 order of service. In view of the fact that the Court is issuing  
10 its own service order, Plaintiff's proposed order will not be  
11 used, and the Clerk will be directed to return the order to  
12 Plaintiff.

13 Accordingly, this Court ORDERS that:

14 1. Service IS APPROPRIATE for the defendant  
15 initially named as John Doe and subsequently identified  
16 as Clevon Wheaton; and

17 2. The Clerk of the Court SHALL SEND to Plaintiff  
18 one USM-285 form, one summons, a Notice of Submission of  
19 Documents, an instruction sheet and a copy of the first  
20 amended complaint filed on February 17, 2009; and

21 3. No later than thirty (30) days after the date of  
22 service of this order, Plaintiff shall complete the  
23 attached Notice of Submission of Documents and submit the  
24 completed Notice of Submission of Documents to the Court  
25 with the following documents:

- 26 a. One completed summons;  
27 b. One completed USM-285 form for the  
28 defendant noted above; and

1 c. Two copies of the endorsed first amended  
2 complaint filed on February 17, 2009; and

3 4. Plaintiff need not attempt service on Defendant  
4 and need not request waiver of service; and

5 5. Upon receipt of the above-described documents,  
6 the Clerk SHALL FORWARD them to the United States Marshal  
7 to serve the Defendant pursuant to Fed. R. Civ. P. 4  
8 without payment of costs; and

9 6. Upon receipt of the documents from the Clerk, the  
10 United States Marshal SHALL SERVE the aforementioned  
11 Defendant; and

12 7. The Clerk SHALL RETURN to Plaintiff the order of  
13 service of the first amended complaint received from  
14 Plaintiff on or about October 8, 2009; and

15 8. Plaintiff's failure to comply with this order  
16 will result in a recommendation to dismiss this action  
17 under this Court's Local Rule 11-110.

18  
19 IT IS SO ORDERED.

20  
21 DATED: Oct. 19, 2009

  
\_\_\_\_\_  
SANDRA M. SNYDER  
UNITED STATES MAGISTRATE JUDGE