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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RODERICK LIPSEY,

CASE NO. 1:08-cv-01726-SMS PC

Plaintiff,

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

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

(Doc. 12)

Plaintiff Roderick Lipsey, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 10, 2008. The Court screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states a claim against Defendant Granillo for violation of the Eighth Amendment arising out of the incident on July 9, 2006, involving contaminated food.<sup>1</sup> Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1955, 1964-65 (2007).

Accordingly, it is HEREBY ORDERED that:

1. Service shall be initiated on the following defendant:

**C/O E. GRANILLO**

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 amended complaint filed April 28, 2009.

<sup>1</sup> All other claims and defendants were dismissed from this action.

- 1           3.     Within **thirty (30) days** from the date of this order, Plaintiff shall complete the  
2           attached Notice of Submission of Documents and submit the completed Notice to the  
3           Court with the following documents:  
4           a.     One completed summons;  
5           b.     One completed USM-285 form; and  
6           c.     Two (2) copies of the endorsed amended complaint filed April 28, 2009.  
7           4.     Plaintiff need not attempt service on the defendant and need not request waiver of  
8           service. Upon receipt of the above-described documents, the Court will direct the  
9           United States Marshal to serve the above-named defendant pursuant to Federal Rule  
10          of Civil Procedure 4 without payment of costs.  
11          5.     The failure to comply with this order will result in dismissal of this action.

12  
13 IT IS SO ORDERED.

14 **Dated:** December 14, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE