

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS HERRERA,

CASE NO. 1:08-cv-01882-YNP PC

Plaintiff,

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

v.

C. HALL, et al.,

Defendants.

Plaintiff Carlos Herrera ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is in the custody of the California Department of Corrections and Rehabilitation and is incarcerated at Kern Valley State Prison in Delano, California ("KVSP"). Plaintiff also names prison officials from New Folsom State Prison ("NFSP") as defendants, suggesting that Plaintiff may have been incarcerated at NFSP at some point in time. Plaintiff is suing under section 1983 for the violation of his rights under the Eighth Amendment to the U.S. Constitution. Plaintiff names N. Dill (associate warden - health care services, KVSP), Sherry Lopez (chief medical officer, KVSP), C. Hall (appeals examiner, Sacramento) and N. Grannis (appeals examiner, Sacramento), Turella (medical doctor, NFSP), Penner (medical doctor, NFSP), S. Zamora (health care manager, KVSP), G. Moonga (registered nurse, KVSP), and L. Bluford (regional medical appeals analyst, KVSP) as defendants.

Plaintiff filed the Original Complaint in this action on December 8, 2008. (Doc. #1.) Plaintiff's Original Complaint was screened pursuant to 28 U.S.C. § 1915A(a) on May 11, 2009. (Doc. #6.) The Court found that Plaintiff's Original Complaint stated some cognizable claims and

1 ordered Plaintiff either to notify the Court of his willingness to proceed only on the claims found to
2 be cognizable, or to file a First Amended Complaint that cured the deficiencies in the claims found
3 not to be cognizable. Plaintiff opted for the latter and filed his First Amended Complaint on June
4 19, 2009. (Doc. #10.) This action proceeds on Plaintiff's First Amended Complaint.

5 Plaintiff alleges that Defendants denied Plaintiff treatment for his Hepatitis C. Plaintiff
6 alleges that the denial was initially based on reports in Plaintiff's medical file that rendered him
7 ineligible for treatment due to a history of drug abuse and mental illness. However, Plaintiff
8 informed Defendants that the reports in his medical file were false, and Defendants continued to
9 deny medical treatment despite Plaintiff's eligibility. Plaintiff alleges that he has suffered severe
10 injury as a result of being denied treatment.

11 The Court has screened Plaintiff's complaint pursuant 28 U.S.C. § 1915A and found that it
12 states cognizable claims against Defendants Dill, Lopez, Hall, Grannis, Turella, Penner, Zamora,
13 Moonga, and Bluford for deliberate indifference to his serious medical needs. Fed. R. Civ. P. 8(a);
14 Erickson v. Pardus, 127 S. Ct. 2197, 2200 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th Cir.
15 2008). Accordingly, it is HEREBY ORDERED that:

16 1. Service is appropriate for the following defendants:

17 DILL

18 LOPEZ

19 HALL

20 GRANNIS

21 TURELLA

22 PENNER

23 ZAMORA

24 MOONGA

25 BLUFORD

26 2. The Clerk of the Court shall send Plaintiff nine (9) USM-285 forms, nine (9)
27 summonses, a Notice of Submission of Documents form, an instruction sheet and a
28 copy of the complaint filed June 19, 2009.

