

1 After review, the Court finds the complaint states a plausible 42
2 U.S.C. § 1983 claim based on violation of the Eighth Amendment's cruel
3 and unusual punishment clause and orders Plaintiff to prepare and return
4 service documents so that the U.S. Marshals may serve the complaint on
5 Defendants. However, after considering "the values of economy,
6 convenience, fairness, and comity," the Court declines to exercise
7 supplemental jurisdiction over Plaintiff's state law intentional
8 infliction of emotional distress claim. *Harrell v. 20th Century Ins.*
9 *Co.*, 934 F.2d 203, 205 (9th Cir. 1991) (quoting *Carnegie-Mellon Univ. v.*
10 *Cohill*, 484 U.S. 343, 351 (1988)).

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Plaintiff's state law intentional infliction of emotional
13 distress claim is **DISMISSED**.

14 2. Service is appropriate for Defendant Duncan and his successors.

15 3. The Clerk of Court shall immediately send Plaintiff a USM-285
16 form for each Defendant to be served, as well as a summons, instruction
17 sheet, and a copy of the complaint (Ct. Rec. 1).

18 3. Within **forty-five (45) days** from the date of this Order,
19 Plaintiff shall complete the attached Notice of Submission of Documents
20 and submit the following documents to the Court:

- 21 a. The completed Notice of Submission of Documents;
- 22 b. One completed summons;
- 23 c. One completed USM-285 form for each Defendant listed in
24 paragraph 2 above; and
- 25 d. Three copies of the complaint (Ct. Rec. 1).
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