

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

1:09-cv-00205 YNP GSA (PC)

Plaintiff,

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

v.

DERRAL ADAMS, et al.,

Defendants.

_____ /

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 has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1). The Court screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Baer, Valdez, Buenos, Lee, Ponce and Purvis for use of excessive force and deliberate indifference to threat to safety in violation of the Eighth Amendment and for retaliating against Plaintiff for exercising his rights under the First Amendment. Plaintiff’s complaint also states cognizable claims against Defendant Adams, Junious, Di Viaga, and callow for deliberate indifference to a threat to Plaintiff’s safety in violation of the Eighth 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

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Plaintiff’s Fourteenth Amendment and Supervisory Liability claims be dismissed.

1 that:

2 1. Service is appropriate for the following defendants:

3 BAER

4 VALDEZ

5 BUENOS

6 LEE

7 PONCE

8 PURVIS

9 ADAMS

10 JUNIOUS

11 DI VIAGA

12 CALLOW

13 2. The Clerk of the Court shall send Plaintiff tEN USM-285 forms, tEN summonses,
14 a Notice of Submission of Documents form, an instruction sheet and a copy of the
15 complaint filed February 2, 2009.

16 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
17 attached Notice of Submission of Documents and submit the completed Notice to the
18 Court with the following documents:

19 a. Completed summons;

20 b. One completed USM-285 form for each defendant listed above; and

21 c. Eleven copies of the endorsed complaint filed February 2, 2009.

22 4. Plaintiff need not attempt service on Defendants and need not request waiver of
23 service. Upon receipt of the above-described documents, the Court will direct the
24 United States Marshal to serve the above-named defendants pursuant to Federal Rule
25 of Civil Procedure 4 without payment of costs.

26 5. The failure to comply with this order will result in a recommendation that this action
27 be dismissed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: July 30, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE