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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 DANA PENNEY, CASE NO. 1:09-cv-00382-GSA PC

10 Plaintiff, ORDER DIRECTING THAT SERVICE OF  
11 v. THE COMPLAINT BE INITIATED, AND  
12 JON FRANCO, et al., DIRECTING CLERK'S OFFICE TO PREPARE  
13 Defendants. SERVICE DOCUMENTS FOR PLAINTIFF  
(Doc. 1)

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15 Plaintiff Dana Penney is a federal prisoner proceeding pro se and in forma pauperis in this  
16 civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403  
17 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. Plaintiff,  
18 who is currently housed at the United States Penitentiary-Atwater, filed this action on March 2, 2009.  
19 The Court has screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and finds that it states  
20 cognizable claims for relief against Defendants Franco, Mettry, Sorenson, and Rios for deliberate  
21 indifference to Plaintiff's medical needs, in violation of the Eighth Amendment. Fed. R. Civ. P.  
22 8(a); Erickson v. Pardus, 127 S.Ct. 2197, 2200 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th  
23 Cir. 2008). Accordingly, it is HEREBY ORDERED that:

24 1. Service of the complaint is appropriate and shall be initiated on the following  
25 defendants:

26 **DR. JON FRANCO, CLINICAL DIRECTOR**

27 **LOURDES METTRY, MEDICAL ADMINISTRATOR**

28 **JAMES SORENSEN, NP**

## **HECTOR RIOS, JR., WARDEN**

2. The Clerk's Office shall prepare four (4) USM-285 forms, four (4) summonses, and five copies of the complaint filed on March 2, 2009, on Plaintiff's behalf.
3. Plaintiff need not attempt service on Defendants. In a separate order, the United States Marshal will be directed to initiate service of process pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED.

Dated: April 3, 2009 /s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE