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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES COLE,

CASE NO.: 1:09-cv-00476-DLB PC

Plaintiff,

v.

ORDER FINDING SERVICE OF COMPLAINT
APPROPRIATE AND FORWARDING
DOCUMENTS TO PLAINTIFF

MUNOZ, et al.,

(Doc. 1)

Defendants.

Plaintiff James Cole (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed this action on March 13, 2009. The Court screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and finds that it states a cognizable claim for relief under § 1983 against defendants Munoz, Dicks, Rocha, and Blasdell for violation of the Eighth Amendment and First Amendment.¹

Accordingly, IT IS HEREBY ORDERED that:

1. Service is appropriate for defendants

MUNOZ

DICKS

ROCHA

¹ By separate order, the Court dismissed Defendants Jones, Cano, and Hicumbontom from the action for failure to state a claim upon which relief may be granted.

1 BLASDELL

- 2 2. The Clerk of the Court shall send Plaintiff four (4) USM-285 forms, four (4)
3 summons, a Notice of Submission of Documents form, an instruction sheet and a
4 copy of the complaint filed March 13, 2009.
- 5 3. Within **THIRTY (30) DAYS** from the date of this Order, Plaintiff shall complete
6 the attached Notice of Submission of Documents and submit the completed
7 Notice to the Court with the following documents:
- 8 a. Completed summons;
 - 9 b. One completed USM-285 form for each defendant listed above; and
 - 10 c. Five (5) copies of the endorsed complaint filed March 13, 2009.
- 11 4. Plaintiff need not attempt service on Defendants and need not request waiver of
12 service. Upon receipt of the above-described documents, the court will direct the
13 United States Marshal to serve the above-named Defendants pursuant to Federal
14 Rule of Civil Procedure 4 without payment of costs.
- 15 5. The failure to comply with this Order will result in dismissal of this action.

16
17 IT IS SO ORDERED.

18 **Dated: March 8, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE