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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FLOYD EUGENE BENDER,

Plaintiff,

v.

W. J. SULLIVAN, et al.,

Defendants.

CASE NO. 1:09-cv-0576 YNP SMS (PC)

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

(Doc. 1)

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 This action proceeds on the original complaint filed on March 27, 2009. The Court screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Williams, Bryant and Allison for deliberate indifference 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 that:

1. Service is appropriate for the following defendants:

LIEUTENANT BRYANT

C/O ALLISON

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Defendants Sullivan, Grannis, Gonzales, Noyce, McConnell, Tony and Miller be dismissed based on Plaintiff’s failure to state any claims against him.

1 C/O WILLIAMS

- 2 2. The Clerk of the Court shall send Plaintiff three USM-285 forms, three summonses,
3 a Notice of Submission of Documents form, an instruction sheet and a copy of the
4 complaint filed March 27, 2009.
- 5 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
6 attached Notice of Submission of Documents and submit the completed Notice to the
7 Court with the following documents:
- 8 a. Completed summons;
 - 9 b. One completed USM-285 form for each defendant listed above; and
 - 10 c. Four copies of the endorsed complaint filed March 27, 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 Rule
14 of Civil Procedure 4 without payment of costs.
- 15 5. The failure to comply with this order will result in a recommendation that this action
16 be dismissed.

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20 IT IS SO ORDERED.

21 **Dated:** March 8, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE