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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PERRY ROBERT AVILA,

CASE NO. 1:09-cv-00918-SMS PC

Plaintiff,

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

v.

MATTHEW CATE, et al.,

Defendants.

(Doc. 1)

Plaintiff Perry Robert Avila, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 26, 2009. The Court screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A, and found that it states a claim against Defendants Meadors, Sullivan, Jones, Gonzalez, and Peterson for violation of the Equal Protection Clause of the Fourteenth Amendment.¹ Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1955, 1964-65 (2007). Accordingly, it is

HEREBY ORDERED that:

- 1. Service shall be initiated on the following defendants:

LT. D. MEADORS

WARDEN W. J. SULLIVAN

LT. J. JONES

¹ On December 15, 2009, Plaintiff’s equal protection claim against Defendants Carrasco, Gonzalez, Zanchi, and Cate arising from their consideration and denial of his inmate appeals; Plaintiff’s First Amendment movie censorship claim; Plaintiff’s claims for equitable relief; and Defendants Carrasco, Zanchi, Cate, and Junious were dismissed from this action. (Doc. 8.)

1 **F. GONZALEZ, CHIEF DEPUTY WARDEN**

2 **LT. J. PETERSON**

- 3 2. The Clerk of the Court shall send Plaintiff five (5) USM-285 forms, five (5)
4 summonses, a Notice of Submission of Documents form, an instruction sheet and a
5 copy of the complaint filed May 26, 2009.
- 6 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
7 attached Notice of Submission of Documents and submit the completed Notice to the
8 Court with the following documents:
- 9 a. Completed summons for each defendant;
 - 10 b. One completed USM-285 form for each defendant; and
 - 11 c. Six (6) copies of the endorsed complaint filed May 26, 2009.
- 12 4. Plaintiff need not attempt service on the defendants and need not request waiver of
13 service. Upon receipt of the above-described documents, the Court will direct the
14 United States Marshal to serve the above-named defendants pursuant to Federal Rule
15 of Civil Procedure 4 without payment of costs.
- 16 5. The failure to comply with this order will result in dismissal of this action.

17
18 IT IS SO ORDERED.

19 **Dated: January 29, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE