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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAURA YBARRA,

1:09-cv-01098-OWW-YNP-SMS (PC)

Plaintiff,

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

v.

C/O ANDERSON, et al.,

Defendants.

(Doc. 1)

_____/

Plaintiff is a Madera County Jail inmate prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding against correctinal officials employed by the California Department of Corrections and Rehabilitation (CDCR) at Valley State Prison for Women in Chowchilla (VSPW). Plaintiff filed this action on June 22, 2009. The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, and found that it states a cognizable claim against Defendant Anderson for excessive force 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 Defendant:

C/O ANDERSON

¹ In a Findings and Recommendations issued concurrently with this Order, the Court recommended that Defendants Vantloff, Velasco, Rasmussen and Gerber be dismissed based on Plaintiff's failure to state any claims against her.

- 1 2. The Clerk of the Court shall send Plaintiff one USM-285 form, one summons, a
2 Notice of Submission of Documents form, an instruction sheet and a copy of the
3 complaint filed June 22, 2009.
- 4 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
5 attached Notice of Submission of Documents and submit the completed Notice to the
6 Court with the following documents:
- 7 a. Completed summons;
- 8 b. One completed USM-285 form for each defendant listed above; and
- 9 c. Two copies of the endorsed complaint filed June 22, 2009.
- 10 4. Plaintiff need not attempt service on Defendant and need not request waiver of
11 service. Upon receipt of the above-described documents, the Court will direct the
12 United States Marshal to serve the above-named defendants pursuant to Federal Rule
13 of Civil Procedure 4 without payment of costs.
- 14 5. The failure to comply with this order will result in a recommendation that this action
15 be dismissed.

16
17 IT IS SO ORDERED.

18 **Dated:** March 8, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE