

1 (1976), construe the pro se pleadings liberally in the light most favorable to the Plaintiff, Resnick
2 v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000), and resolve all doubts in the Plaintiff's favor,
3 Jenkins v. McKeithen, 395 U.S. 411, 421 (1969).

4 B. Plaintiff's Allegations

5 According to the amended complaint, Plaintiff is confined to a wheelchair. He alleges
6 that on July 28, 2009, he encountered difficulties using the restroom at Lindsay City Hall.

7 Plaintiff's complaint appears to state a cause of action pursuant to Title II of the ADA.
8 42 U.S.C. § 12132. Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Service is appropriate for the following Defendant:
10 City of Lindsay
- 11 2. The Clerk of the Court shall send Plaintiff one USM-285 form, one summons, an
12 instruction sheet and a copy of the complaint filed July 30, 2009.
- 13 3. Within THIRTY (30) DAYS from the date of this Order, Plaintiff shall complete
14 the attached Notice of Submission of Documents and submit the completed
15 Notice to the Court with the following documents:
 - 16 a. One completed summons;
 - 17 b. One completed USM-285 form for each Defendant; and
 - 18 c. Two copies of the complaint filed on July 30, 2009.
- 19 4. Plaintiff need not attempt service on Defendant and need not request waiver of
20 service. Upon receipt of the above-described documents, the Court will direct the
21 United States Marshal to serve the above-named Defendant pursuant to Federal
22 Rule of Civil Procedure 4 without payment of costs.
- 23 5. The failure to comply with this Order will result in a Recommendation that this
24 action be dismissed.

25
26 IT IS SO ORDERED.

27 Dated: August 19, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE