

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

9 ALEX AGUILAR,

CASE NO. 1:09-cv-01849-AWI-SMS

10 Plaintiff,

11 ORDER FINDING SERVICE OF AMENDED  
12 COMPLAINT APPROPRIATE AND SETTING  
13 FORTH PROCEDURE FOR SERVICE OF  
14 DEFENDANTS15 v.  
16 OFFICER JASON HOOVER AND  
17 FRESNO POLICE DEPARTMENT,

(Doc. 12)

18 Defendants.  
19

/

20 On February 22, 2011, Plaintiff Alex Aguilar, proceeding *pro se* and *in forma pauperis*,  
21 filed an amended complaint alleging civil rights violations under 42 U.S.C. § 1983. This Court  
22 has screened Plaintiff's amended complaint and concludes that the complaint states a claim  
23 against Defendants.

24 Accordingly, it is HEREBY ORDERED that:

25  
26 1. Service shall be initiated on the Defendants, Officer Jason Hoover and the Fresno  
27 Police Department.  
28 2. The Clerk of the Court shall send Plaintiff two (2) USM-285 forms, two (2)  
summonses, a Notice of Submission of Documents form, an instruction sheet and  
a copy of the corrected amended complaint as filed by Plaintiff pursuant to this  
Order.  
3. Within **thirty (30) days** of the date on which the Clerk of Court mails to Plaintiff  
the materials listed in paragraph 2, Plaintiff shall complete the attached Notice of

1 Submission of Documents and submit the completed Notice to the Court with the  
2 following documents:

3 a. One completed summons for each Defendant listed above;  
4 b. One completed USM-285 form for each Defendant listed above; and  
5 c. Three (3) copies of the endorsed corrected amended complaint.  
6 4. Plaintiff should not attempt service on the Defendants and should not request  
7 waiver of service. Upon receipt of the documents set forth in paragraph 3, the  
8 Court will direct the United States Marshal to serve the above-named Defendants  
9 pursuant to Federal Rule of Civil Procedure 4 without payment of costs.  
10 6. **The failure to comply with this order will result in dismissal of this action.**

11  
12  
13  
14 IT IS SO ORDERED.

15 Dated: February 24, 2011

16 /s/ Sandra M. Snyder  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28