

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTION AND
REHABILITATION, et al.,

Defendants.

Case No. 1:10-cv-00582-AWI-SAB

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

ORDER GRANTING PLAINTIFF'S MOTION TO
PROCEED IN FORMA PAUPERIS

(ECF Nos. 32 & 33)

THIRTY-DAY DEADLINE

Plaintiff Garrison S. Johnson ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original complaint in this action on April 5, 2010. (ECF No. 1.) On June 13, 2013, the Court issued an order requiring Plaintiff to serve the complaint on Defendants. (ECF No. 24.) On August 26, 2013, Plaintiff filed a motion requesting to proceed in forma pauperis and for the Court to order the U.S. Marshal to serve the complaint on Defendants. (ECF Nos. 32 & 33.) Plaintiff notified the Court that he had already paid a professional process server to serve Defendants CDCR, Matthew Cate, and D. Foston, but that he was unable to afford service for Defendants M.D. Biter, R. Grissom, F. Ozaeta, and M. Bostanjian.¹ Id. In light of Plaintiff's current financial status, the Court will grant Plaintiff's

¹ Although Plaintiff indicates that he has initiated service of process for Defendants CDCR, Matthew Cate, and D.

1 motion to proceed in forma pauperis and order service for the remaining defendants by the U.S.
2 Marshal under Federal Rule of Civil Procedure 4(c)(3).

3 Accordingly, it is HEREBY ORDERED that:

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

5 **M.D. Biter**

6 **R. Grissom**

7 **F. Ozaeta**

8 **M. Bostanjian**

9 2. The Clerk of the Court shall send Plaintiff four (4) USM-285 forms, four (4)
10 summonses, a Notice of Submission of Documents form, an instruction sheet and a
11 copy of the second amended complaint filed April 19, 2013;

12 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
13 attached Notice of Submission of Documents and submit the completed Notice to
14 the Court with the following documents:

15 a. One completed summons for each defendant listed above;

16 b. One completed USM-285 form for each defendant listed above;

17 c. Five (5) copies of the endorsed complaint filed April 19, 2013;

18 and

19 d. All CDCR Form 602 documentation submitted in relation to
20 this case;

21 4. Plaintiff need not attempt service on the defendants and need not request waiver of
22 service. Upon receipt of the above-described documents, the Court will direct the
23 United States Marshal to serve the above-named defendants pursuant to Federal
24 Rule of Civil Procedure 4 without payment of costs; and

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28 Foston, the record does not reflect that service has been completed yet for these defendants.

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5. The failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED.

Dated: September 9, 2013


UNITED STATES MAGISTRATE JUDGE