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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

9
10 CANDY Q. MOORE,

CASE NO. 1:10-cv-01165-LJO-SMS

11 Plaintiff,

ORDER FINDING SERVICE OF AMENDED
COMPLAINT APPROPRIATE, DIRECTING
PLAINTIFF TO CORRECT CAPTION, AND

12 v.

SETTING FORTH PROCEDURE FOR
SERVICE OF DEFENDANTS13 CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,

14 et al.,

15 Defendants.

(Doc. 3)

16
17 On August 12, 2010, Plaintiff Candy Q. Moore, proceeding *pro se* and *in forma pauperis*,
18 filed an amended complaint alleging employment discrimination, retaliation, wrongful
19 termination, and hostile work environment under Title VII of 42 U.S.C. § 1981 and the Fair
20 Employment and Housing Act (California Government Code §§ 12900 *et seq.*). This Court has
21 screened Plaintiff's amended complaint and concludes that the complaint, although in artfully
22 drafted,¹ states claims against Defendants. The Court further notes that the caption of the
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26 ¹ Plaintiffs proceeding *pro se* in civil rights actions are entitled to have their pleadings liberally construed
27 and to have any doubt resolved in their favor. *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010) (*citations omitted*).

1 amended complaint fails to list the names of the individual Defendants named in the body of the
2 complaint.

3 Accordingly, it is HEREBY ORDERED that:

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5 1. Within **fourteen (14) days of this order**, Plaintiff shall amend the caption of the
6 complaint to include all individual Defendants named in the amended complaint,
7 specifically Tina Hornbeck, Walter Miller, Gloria Colmenaro, Dr. Daun Martin,
8 Judy Tucker, Marihelen Alfonso, Curtis Mangram, Charles Funch, Charline
9 Chapa, and John Doe I (“Gus”) (as well as Defendants California Department of
10 Corrections and Rehabilitation and Supplemental Health Care, Inc., which are
11 already named in the amended complaint) and shall file her corrected amended
12 complaint with the Clerk of Court.

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14 2. Following amendment of the caption and filing of the corrected amended
15 complaint, service shall be initiated on the following defendants, as set forth in
16 paragraphs 3-5 below:

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18 California Department of Corrections and Rehabilitation
19 Supplemental Health Care, Inc.
20 Tina Hornbeck
21 Walter Miller
22 Gloria Colmenaro
23 Dr. Daun Martin
24 Judy Tucker
25 Marihelen Alfonso
26 Curtis Mangram
27 Charles Funch
Charline Chapa
John Doe I (“Gus”).

3. Following the filing of the corrected amended complaint, the Clerk of the Court

1 shall send Plaintiff twelve (12) USM-285 forms, twelve (12) summonses, a Notice
2 of Submission of Documents form, an instruction sheet and a copy of the
3 corrected amended complaint as filed by Plaintiff pursuant to this Order.
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5 4. Within **thirty (30) days** of the date on which the Clerk of Court mails to Plaintiff
6 the materials listed in paragraph 3, Plaintiff shall complete the attached Notice of
7 Submission of Documents and submit the completed Notice to the Court with the
8 following documents:

- 9 a. One completed summons for each defendant listed above;
- 10 b. One completed USM-285 form for each defendant listed above; and
- 11 c. Thirteen (13) copies of the endorsed corrected amended complaint.

12 5. Plaintiff should not attempt service on the defendants and should not request
13 waiver of service. Upon receipt of the documents set forth in paragraph 4, the
14 Court will direct the United States Marshal to serve the above-named defendants
15 pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
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17 6. **The failure to comply with this order will result in dismissal of this action.**
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22 IT IS SO ORDERED.
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24 **Dated: January 31, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE