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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID LEE WEAVER,

CASE NO. 1:10-cv-01523-AWI-SMS

Plaintiff,

v.

ORDER FINDING SERVICE OF AMENDED
COMPLAINT APPROPRIATE AND SETTING
FORTH PROCEDURE FOR SERVICE OF
DEFENDANTS

U.S.D.A. FOREST, et al.,

Defendants.

On April 1, 2011, Plaintiff David Lee Weaver, proceeding *pro se* and *in forma pauperis*, filed an amended complaint alleging negligence. This Court has screened Plaintiff's amended complaint and concludes that the complaint states a claim against Defendants.

Accordingly, it is HEREBY ORDERED that:

1. Service shall be initiated on the Defendants, United States Department of Agriculture, Forest Service, and Michael James Ryan.
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 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

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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 IT IS SO ORDERED.

13 **Dated:** April 7, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE