

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

CASE NO. 1:11-cv-00068-AWI-MJS (PC)

ORDER:

**(1) ADOPTING IN PART FINDINGS AND
RECOMMENDATION TO DISMISS
DEFENDANTS GREAVES AND COREA
(ECF No. 52);**

**(2) DISMISSING DEFENDANT GREAVES
WITHOUT PREJUDICE;**

**(3) DEEMING PLAINTIFF'S FIRST
AMENDED COMPLAINT (ECF No. 20)
AMENDED TO SUBSTITUTE S. CORREA
IN PLACE OF J. COREA;**

(4) DIRECTING CLERK'S OFFICE TO AMEND COURT RECORDS TO REFLECT SUBSTITUTION; AND

**(5) DIRECTING CLERK'S OFFICE TO
SEND PLAINTIFF SERVICE
DOCUMENTS FOR S. CORREA**

THIRTY (30) DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

1 The action proceeds on Plaintiff's Eighth Amendment medical indifference claim
2 against Defendants Bondoc, Madina, Neubarth, Swingle, Dhah, Punt, Corea and
3 Greaves. (ECF No. 26.) Defendants Bondoc, Madina, Neubarth, Swingle, and Dhah
4 were served and have appeared in the action. (ECF Nos. 30, 31, 32, 36, 37, 50, 51, &
5 55.) Default was entered against Defendant Punt. (ECF No. 54.) Service on Defendants
6 Greaves and Corea was returned unexecuted. (ECF No. 34.)

7 On April 27, 2015, the Magistrate Judge filed findings and a recommendation to
8 dismiss Defendants Greaves and Corea for insufficient information to effect service of
9 process. (ECF No. 52.) Plaintiff filed objections. (ECF No. 66.) Plaintiff concedes that
10 Defendant Greaves should be dismissed. However, he states that he mistakenly named
11 J. Corea, as opposed to S. Correa, as Defendant in this case, and asks that service be
12 attempted on S. Correa.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has
14 conducted a de novo review of this case. Having carefully reviewed the entire file, the
15 Court finds the findings and recommendation to dismiss Defendant Greaves to be
16 supported by the record and by proper analysis. However, in light of Plaintiff's objections
17 and his apparent error with regard to Defendant Corea's true name, dismissal of
18 Defendant Corea is no longer appropriate.

19 Accordingly, it is HEREBY ORDERED that:

- 20 1. The Court adopts the findings and recommendation (ECF No. 52), filed
21 April 27, 2015, in part;
- 22 2. Defendant Greaves is dismissed from this action without prejudice;
- 23 3. Plaintiff's first amended complaint is deemed amended to substitute S.
24 Correa in place of J. Corea;
- 25 4. The Clerk's Office is directed to amend Court records to reflect this
26 substitution;
- 27 5. Service shall be initiated on Defendant S. CORREA, Medical Doctor at
28 Corcoran State Prison;

6. The Clerk shall send Plaintiff a USM-285 form, a summons, a Notice of Submission of documents form, an instruction sheet, and a copy of the first amended complaint, filed December 20, 2012;
7. Within thirty (30) days from the date of this order, Plaintiff shall complete and return to the Court the notice of submission of documents along with the following:
 - a. Completed summons,
 - b. One completed USM-285 form for Defendant S. Correa,
 - c. Two (2) copies of the endorsed first amended complaint filed December 20, 2012, and
8. Upon receipt of the above-described documents, the Court shall direct the United States Marshal to serve Defendant Correa pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED.

Dated: June 12, 2015

John Blum
SENIOR DISTRICT JUDGE