

EASTERN DISTRICT OF CALIFORNIA

) ORDER DIRECTING PLAINTIFF
) TO SUBMIT USM-285 FORMS

V.

Defendants.

1 a claim, leave to amend may be granted to the extent that the deficiencies of the complaint can be
2 cured by amendment.

3 In reviewing a complaint under this standard, the Court must accept as true the allegations
4 of the complaint in question, Hospital Bldg. Co. v. Trustees of Rex Hospital, 425 U.S. 738, 740
5 (1976), construe the pro se pleadings liberally in the light most favorable to the Plaintiff, Resnick
6 v. Hayes, 213 F.3d 443, 447 (9th Cir. 2000), and resolve all doubts in the Plaintiff's favor,
7 Jenkins v. McKeithen, 395 U.S. 411, 421 (1969).

8 B. Plaintiff's Allegations

9 Plaintiff operates a retail business in which the majority of his customers are SNAP
10 participants. By a final agency decision, the USDA permanently disqualified Plaintiff from
11 participating in SNAP. Plaintiff alleges that the USDA's actions were unlawful, arbitrary,
12 capricious, discriminatory and denied him due process.

13 It appears that Plaintiff's amended complaint is adequate to state a cause of action.
14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Service is appropriate for the following Defendant:
16 United States of America
- 17 2. The Clerk of the Court shall send Plaintiff one USM-285 form, one summons, an
18 instruction sheet and a copy of the amended complaint filed August 15, 2011.
- 19 3. Within THIRTY (30) DAYS from the date of this Order, Plaintiff shall complete
20 the attached Notice of Submission of Documents and submit the completed
21 Notice to the Court with the following documents:
 - 22 a. One completed summons;
 - 23 b. One completed USM-285 form for each Defendant; and
 - 24 c. Three (3) copies of the amended complaint filed on August 15, 2011.
- 25 4. Plaintiff need not attempt service on Defendant and need not request waiver of
26 service. Upon receipt of the above-described documents, the Court will direct the
27 United States Marshal to serve the above-named Defendant pursuant to Federal
28 Rule of Civil Procedure 4 without payment of costs.

5. The failure to comply with this Order will result in a Recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: September 19, 2011

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE