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5 **UNITED STATES DISTRICT COURT**
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7 **EASTERN DISTRICT OF CALIFORNIA**
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9 CAYETANO MELENDEZ,) 1:13-cv-00279-AWI-BAM (PC)
10 Plaintiff,)
11 v.) ORDER DIRECTING PLAINTIFF TO
12 HUNT, et al.,) SUBMIT COPIES OF THE ENDORSED
13 Defendants.) SECOND AMENDED COMPLAINT FILED
14) ON JUNE 5, 2014
15) (ECF No. 16)
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16 Plaintiff Cayetano Melendez (“Plaintiff”) is a prisoner proceeding in forma pauperis in
17 this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff, through limited appointment
18 counsel, filed his second amended complaint on June 5, 2014. The Court screened the complaint
19 pursuant to 28 U.S.C. § 1915A, and found that it stated cognizable claims against: (1) Defendant
20 Hunt for excessive force, inhumane conditions of confinement and deliberate indifference to
21 serious medical needs in violation of the Eighth Amendment; and (2) Defendants Arriola and
22 Cruz for failure to intervene in violation of the Eighth Amendment.¹

23 On June 6, 2014, the Court instructed the Clerk of the Court to send Plaintiff USM-285
24 forms, summonses, a Notice of Submission of Documents form, an instruction sheet and a copy
25 of the second amended complaint filed June 5, 2014. The Court ordered Plaintiff to complete the
26 Notice of Submission of Documents and submit it to the Court within thirty days, along with

27 ¹ Plaintiff also names DOE defendants. The Court will not order service of
28 any DOE defendants unless and until an amended complaint is filed identifying
such defendants.

1 completed summonses, a USM-285 for each defendant, and four (4) copies of the endorsed
2 second amended complaint filed on June 5, 2014. (ECF No. 16.)

3 On July 28, 2014, Plaintiff submitted his Notice of Submission of Documents, which
4 included three summonses and three completed USM-285 forms. However, Plaintiff failed to
5 submit the required copies of the second amended complaint. (ECF No. 17.)

6 Accordingly, within thirty (30) days from the date of this Order, Plaintiff SHALL
7 SUBMIT four (4) copies of the endorsed second amended complaint filed on June 5, 2014.
8 Upon receipt, the Court will direct the United States Marshal to serve the above-named
9 defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs. Plaintiff's
10 failure to comply with this Order will result in dismissal of this action.

11 IT IS SO ORDERED.

12 Dated: July 29, 2014

13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE
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