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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CAYETANO MELENDEZ,)	1:13-cv-00279-AWI-BAM (PC)
)	
Plaintiff,)	ORDER REGARDING PLAINTIFF’S
)	RESPONSE
v.)	
)	ORDER DIRECTING CLERK OF COURT
HUNT, et al.,)	TO MAIL PLAINTIFF AN ENDORSED
)	COPY OF THE SECOND AMENDED
Defendants.)	COMPLAINT
)	
)	(ECF Nos. 16, 17, 18, 19)
)	
)	

Plaintiff Cayetano Melendez (“Plaintiff”) is a prisoner proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff, through limited-appointment counsel, filed his second amended complaint on June 5, 2014. The Court screened the complaint pursuant to 28 U.S.C. § 1915A, and found that it stated cognizable claims against: (1) Defendant Hunt for excessive force, inhumane conditions of confinement and deliberate indifference to serious medical needs in violation of the Eighth Amendment; and (2) Defendants Arriola and Cruz for failure to intervene in violation of the Eighth Amendment.¹

On June 6, 2014, the Court instructed the Clerk of the Court to send Plaintiff USM-285 forms, summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the second amended complaint filed June 5, 2014. The Court ordered Plaintiff to complete the

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

1 Notice of Submission of Documents and submit it to the Court within thirty days, along with
2 completed summonses, a USM-285 for each defendant, and four (4) copies of the endorsed
3 second amended complaint filed on June 5, 2014. (ECF No. 16.)

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

7 On July 29, 2014, the Court directed Plaintiff to submit four (4) copies of the endorsed
8 second amended complaint within thirty days. (ECF No. 18.)

9 On August 4, 2014, Plaintiff submitted a response to the Court's order. According to his
10 response, Plaintiff twice attempted to mail forms to the Court, including the summons and
11 complaint, without success. Plaintiff reports that he no longer has copies to mail. (ECF No. 19.)

12 Generally, the Clerk's Office will provide copies for Plaintiff at a cost of \$0.50 per page.
13 The Court will make an exception in this instance and will direct the Clerk's Office to provide a
14 copy of the endorsed second amended complaint at no charge. However, Plaintiff is advised that
15 any further copies will need to be paid for by Plaintiff and that it is his responsibility to maintain
16 copies of all documents submitted to the Court for filing.

17 Accordingly, it is HEREBY ORDERED as follows:

18 1. The Clerk's Office shall mail Plaintiff a copy of the second amended complaint
19 filed June 5, 2014;

20 2. Within thirty (30) days from the date of this Order, Plaintiff SHALL SUBMIT
21 four (4) copies of the endorsed second amended complaint filed on June 5, 2014. Upon receipt,
22 the Court will direct the United States Marshal to serve the above-named defendants pursuant to
23 Federal Rule of Civil Procedure 4 without payment of costs; and

24 3. Plaintiff's failure to comply with this Order will result in dismissal of this action.
25 IT IS SO ORDERED.

26 Dated: August 7, 2014

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE

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