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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

TIMOTHY WAYNE ARNETT, et al.,  
  
                                Plaintiff(s),  
  
                                v.  
  
WALGREEN COMPANY, INC., et al.,  
  
                                Defendant(s).

Case No. 1:13-cv-02066-LJO-MJS  
  
**ORDER FOR SERVICE OF COMPLAINT**  
  
**THIRTY (30) DAY DEADLINE TO**  
**RETURN SERVICE DOCUMENTS**  
  
**(ECF No. 8)**  
  
**ORDER DENYING AS MOOT**  
**PLAINTIFFS' MOTION FOR**  
**CLARIFICATION**  
  
**(ECF No. 7)**

Plaintiffs Timothy Wayne Arnett and Karen Suzanne Page are proceeding pro se and in forma pauperis in this action. The Complaint filed December 19, 2013 (ECF No. 1) was stricken because it was not signed by each unrepresented party and because it stated no cognizable claim.

Before the Court are (1) Plaintiffs' motion for clarification of the Court's March 31, 2014 order striking the December 19th Complaint, and (2) Plaintiffs' April 18, 2014 Complaint (ECF No. 8) for screening.

The Court is required to screen complaints brought by individuals proceeding in

1 forma pauperis. “Notwithstanding any filing fee, or any portion thereof, that may have  
2 been paid, the court shall dismiss the case at any time if the court determines that . . . the  
3 action or appeal . . . is frivolous or malicious . . . [or] fails to state a claim upon which  
4 relief may be granted; or seeks monetary relief against a defendant who is immune from  
5 such relief.” 28 U.S.C. § 1915(e)(2)(B)(i-iii).

6 The April 18, 2014 Complaint addresses the pleading deficiencies discussed by  
7 the Court in its March 31st order and states cognizable medical malpractice and wrongful  
8 death claims for damages against Defendants Walgreen Company, Inc. and its alleged  
9 employees Unknown Licensed Pharmacists at Walgreens Store # 02865.

10 Plaintiffs may proceed against Defendants Unknown Licensed Pharmacists at  
11 Walgreens Store # 02865, (“Doe” Defendants) pending discovery of the individuals’  
12 names. See Fed. R. Civ. P. 10(a). Each Doe named shall be individually numbered, e.g.,  
13 Doe 1, Doe 2, etc., and refer to the specific person liable for a constitutional violation.  
14 *Dempsey v. Schwarzenegger*, 2010 WL 1445460, \*2 (N.D. Cal. Apr.9, 2010); *Schrubb v.*  
15 *Tilton*, 2009 WL 3334874, \*2 (N.D. Cal. Oct.14, 2009). Doe Defendants cannot be served  
16 with process until they are identified by their real names. *Robinett v. Correctional Training*  
17 *Facility*, 2010 WL 2867696, \*4 (N.D. Cal. July 20, 2010). The burden is on the Plaintiffs to  
18 promptly discover the full names of the Unknown (Doe) Defendants. *Robinett*, 2010 WL  
19 2867696 at \*4.

20 Plaintiffs’ April 18, 2014 motion for clarification, which seeks Court direction  
21 regarding service pending screening, is denied as moot because the Court herein orders  
22 service of the April 18, 2014 Complaint.

23 Accordingly, for the reasons stated, it is HEREBY ORDERED that:

- 24 1. Plaintiffs shall proceed on the April 18th Complaint (ECF No. 8) on medical  
25 malpractice and wrongful death claims for damages against Defendants  
26 Walgreen Company, Inc. and its alleged employees, the Unknown Licensed  
27 Pharmacists at Walgreens Store # 02865 to be named as Doe Defendants,
- 28 2. Service shall be initiated on the following Defendant:

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WALGREEN COMPANY, INC., a Danville, Illinois corporation,

3. The Clerk of the Court shall send Plaintiffs one (1) USM-285 form, one (1) summons, a Notice of Submission of Documents form, an instruction sheet and a copy of the Complaint filed April 18, 2014,
4. Within thirty (30) days from the date of adoption of this Order, Plaintiffs shall complete and return to the Court the notice of submission of documents along with the following documents:
  - a. Completed summons,
  - b. One completed USM-285 form for each Defendant listed above,
  - c. Two (2) copies of the endorsed Complaint filed April 18, 2014, and
5. Upon receipt of the above-described documents, the Court shall direct the United States Marshal to serve the above-named Defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED.

Dated: May 29, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE