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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 JUAN CARLOS MARTINEZ,

12 Plaintiff,

13 v.

14 BEARD, et al.,

15 Defendants.

**Case No. 1:14-cv-00405-AWI-JLT (PC)**

**ORDER FINDING SERVICE OF SECOND  
AMENDED COMPLAINT APPROPRIATE  
and ORDERING DEFENDANTS FERNANDO,  
RN; SAGASTA, RN; AND SONGER M.D. TO  
FILE ANSWERS**

**(Docs. 31, 32)**

**60-Day Deadline**

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18 Plaintiff, Juan Carlos Martinez, is a state prisoner in this civil rights action pursuant to 42  
19 U.S.C. § 1983. Plaintiff filed this action on March 19, 2014. (Doc. 1.)

20 On November 7, 2014, Defendants filed a request for screening of the Second Amended  
21 Complaint. (Doc. 32.) The Court screened the Second Amended Complaint (Doc. 31) pursuant  
22 to 28 U.S.C. § 1915A and finds that it states the following cognizable claims for relief under  
23 section 1983:<sup>1</sup>

24 (1) against Defendants Pushpini Fernando RN; Bunhom Sagasta, RN; Michael  
25 Songer, MD; Deborah Bradford, RN; Jesse A., LVN; and Correctional Officer Butler for  
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27 <sup>1</sup> Dismissal of other defendants who were originally named in this action, but who Plaintiff apparently no longer  
28 intends to proceed against since not named in the Second Amended Complaint, is being addressed in a concurrently  
issued findings and recommendations.

1 deliberate indifference to Plaintiff's serious medical condition in violation of the Eighth  
2 Amendment;

3 (2) against Defendants Deborah Bradford, RN and Does 3 through 10 for  
4 promulgating or implementing a constitutionally deficient policy; and

5 (3) against Defendants Pushpini Fernando, RN; Bunhom Sagasta, RN; Michael  
6 Songer, MD; Jesse A., LVN; Correctional Officer Butler; and Does 3 through 10 for negligence  
7 under California law.

8 Fed. R. Civ. P. 8(a); *Swierkiewicz v. Sorema N. A.*, 534 U.S. 506, 512-15 (2002); *Austin v.*  
9 *Terhune*, 367 F.3d 1167, 1171 (9th Cir. 2004); *Jackson v. Carey*, 353 F.3d 750, 754 (9th Cir.  
10 2003); *Galbraith v. County of Santa Clara*, 307 F.3d 1119, 1125-26 (9th Cir. 2002).

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Defendants request for screening of the Second Amended Complaint, filed on `  
13 November 7, 2014 (Doc. 32) is GRANTED;
- 14 2. Service is appropriate for Defendants Jesse A. LVN, Correctional Officer  
15 Butler, and Deborah Bradford, RN; and
- 16 3. Defendants Pushpini Fernando, RN; Bunhom Sagasta, RN; and Michael Songer,  
17 MD are directed to file answers to the Second Amended Complaint **within 60 days** of the date of  
18 service of this order.

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20 IT IS SO ORDERED.

21 Dated: **March 10, 2015**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE