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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 MELVIN RICKS,

9 Plaintiff,

10 v.

11 KINGS VIEW MENTAL HEALTH  
12 SERVICES D/B/A BLUE SKY WELLNESS  
13 CENTER; SUSAN GOLDEN; JEFF  
14 GORSKI,

Defendants.

CASE NO. 1:14-CV-1762 AWI-SMS

ORDER FINDING SERVICE OF  
COMPLAINT APPROPRIATE AND  
FORWARDING SERVICE DOCUMENTS  
TO PLAINTIFF FOR COMPLETION  
AND RETURN WITHIN THIRTY DAYS

(Doc. 5)

15  
16 Plaintiff Melvin Ricks proceeds *pro se* and *in forma pauperis* in this action against  
17 defendant Kings View Mental Health Services d/b/a Blue Sky Wellness Center (“Defendant”) for  
18 employment discrimination.

19 Plaintiff filed the complaint on November 10, 2014. After screening the complaint in  
20 compliance with 28 U.S.C. § 1915(e)(2), the Magistrate Judge found that Plaintiff’s stated a claim  
21 for employment discrimination against Defendant in violation of Title VII of the Civil Rights Act  
22 of 1964 (42 U.S.C. § 2000e-2) and Section 1981 of the Civil Rights Act of 1866 (42 U.S.C. §  
23 1981) but did not state a cause of action for employment discrimination under the Americans with  
24 Disabilities Act of 1990 (42 U.S.C. §§ 12111 *et seq*) against Defendant, nor for intentional  
25 infliction of emotional distress against individual defendants Susan Golden and Jeff Gorski. The  
26 Court issued an order requiring Plaintiff to either file an amended complaint or to notify the court  
27 of his willingness to proceed only on the claims found to be cognizable. On February 15, 2015,  
28 Plaintiff filed a notice of willingness to proceed only on the claims found to be cognizable.

1 Accordingly, it is hereby ORDERED that:

- 2 1. Service is appropriate for Defendant Kings View Mental Health Services d/b/a Blue Sky  
3 Wellness Center.
- 4 2. The Clerk of Court shall send Plaintiff a USM-285 form, a summons, a Notice of  
5 Submission of Documents form, an instruction sheet, and a copy of Plaintiff's complaint.
- 6 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the attached  
7 Notice of Submission of Documents and submit the completed Notice to the Court along  
8 with the following documents:
- 9 a. A completed summons for Defendant;
  - 10 b. A completed USM-285 for Defendant; and
  - 11 c. A copy of the endorsed complaint.
- 12 4. Plaintiff should not attempt service on any Defendant nor request waiver of service from  
13 any Defendant. Upon receipt of the above-described documents, the Court will direct the  
14 United States Marshal to serve the four listed Defendants pursuant to F.R.Civ.P. 4 without  
15 prepayment of costs.
- 16 5. **Failure to comply with this order will result in a recommendation that the action be**  
17 **dismissed.**
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20 IT IS SO ORDERED.

21 Dated: February 25, 2015

/s/ Sandra M. Snyder  
22 UNITED STATES MAGISTRATE JUDGE  
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