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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,
Plaintiff,
v.
WARDEN BITER, et al.,
Defendants.

Case No. 1:16-cv-01741-DAD-MJS (PC)

**ORDER DIRECTING CLERK'S OFFICE
TO RETURN EXTRA SUMMONS TO
PLAINTIFF**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff's complaint (ECF No. 1), and found that it stated the following cognizable claims: an Eighth Amendment claim for medical indifference against Defendants Lozovoy and Doe 3; and Eighth Amendment conditions of confinement and First Amendment retaliation claims against Defendants Ferris and Godfrey. The remaining claims were not cognizable as pled. (ECF No. 5.) The complaint later was amended to substitute C. Relevante in place of Doe 3. (ECF No. 14.) Plaintiff was ordered to complete and return completed summons to initiate service on Defendants Lozovoy, Relevante, Ferris, and

1 Godfrey. (ECF No. 18.)

2 On March 13, 2017, the Court received five completed summons from Plaintiff:
3 four for the Defendants named above and one for "Name Unknown at This Time
4 (KVSP)." Plaintiff has not been granted permission to proceed against any unnamed
5 defendants. He has agreed to proceed only on the claims described above. (ECF No.
6 7.) Furthermore, as Plaintiff has been advised, service may not be initiated upon Doe
7 Defendants before they have been identified.

8 Based on the foregoing, the Court will not process the extra summons directed
9 toward "Name Unknown at This Time (KVSP)." The Clerk's Office is HEREBY
10 DIRECTED to return the summons to Plaintiff with this order.

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12 IT IS SO ORDERED.

13 Dated: March 13, 2017

14 /s/ Michael J. Seng
15 UNITED STATES MAGISTRATE JUDGE
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