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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 EDWARD HERNANDEZ,

10 Plaintiff,

11 v.

12 AVIS BUDGET GROUP, INC., *et al.*,

13 Defendants.
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Case No. 1:17-cv-00211-DAD-EPG

SCREENING ORDER

**ORDER FINDING SERVICE OF
COMPLAINT APPROPRIATE AND
FORWARDING SERVICE DOCUMENTS
TO PLAINTIFF**

(ECF No. 5)

TWENTY-ONE (21) DAY DEADLINE

16 On February 14, 2017, Edward Hernandez ("Plaintiff"), proceeding *pro se* and *in forma*
17 *pauperis*, commenced this action by the filing of a Complaint alleging a variety of state law
18 claims against Avis Budget Group, Inc. ("Avis"); Daphne Davis, an employee of Avis ("Davis");
19 Ford Motor Company, Inc. ("Ford"); Capital One Financial Corporation ("Capital One"); and
20 Asset Retrieval and Investigations, Inc. ("ARI") (collectively, "Defendants"). (ECF No. 1). On
21 December 15, 2017, the Court screened the Complaint, and found that the Complaint only stated
22 claims for breach of contract against Avis and Capital One, defamation against ARI; and
23 intentional infliction of emotional distress against Avis, Davis, and ARI. (ECF No. 4). The
24 screening order directed Plaintiff (1) to notify the Court that he agrees to proceed only on the
25 claims found cognizable in this order, (2) to file an amended complaint within thirty days if he
26 believes that additional facts will establish any additional claims under the applicable legal
27 standards, or (3) to state that he wishes to stand on the Complaint, in which case the Court would
28 issue findings and recommendations to the assigned district judge, recommending that certain

1 claims and defendants be dismissed consistent with the order. *Id.*

2 On January 8, 2018, Plaintiff filed a First Amended Complaint ("FAC"). (ECF No. 5).
3 The Court has screened the FAC pursuant to 28 U.S.C. §1915(e)(2)(B), and finds that it states a
4 least one cognizable claim against each named defendant. Thus, the Court finds the FAC
5 appropriate for service of process. Accordingly, it is HEREBY ORDERED that:

6 1. Service is appropriate for the following defendant(s):

- 7 a. **Avis Budget Group, Inc.;**
- 8 b. **Daphne Davis, an employee of Avis Budget Group, Inc.;**
- 9 c. **Ford Motor Company, Inc.;**
- 10 d. **Capital One Financial Corporation; and**
- 11 e. **Asset Retrieval and Investigations, Inc.**

12 2. The Clerk of Court shall SEND Plaintiff five (5) USM-285 form, five (5)
13 summons, one (1) Notice of Submission of Documents form, one (1) instruction
14 sheet, and one (1) copy of the First Amended Complaint filed on January 8, 2018,
15 (ECF No. 5);

16 3. Within **twenty-one (21) days** from the date of service of this order, Plaintiff shall
17 complete the Notice of Submission of Documents form and submit the completed
18 form to the Court with the following documents:

- 19 a. A completed summons for each named defendant;
- 20 b. A completed USM-285 form for each named defendant; and
- 21 c. Six (6) signed copies of the First Amended Complaint filed on January 8,
22 2018;

23 4. Plaintiff need not attempt service on defendants, and need not request waiver of
24 service. Upon receipt of the above-described documents, the Court will direct the
25 United States Marshals Service to serve defendants pursuant to Federal Rule of
26 Civil Procedure 4 without payment of costs; and

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5. The failure to comply with this order may result in the dismissal of this action.

IT IS SO ORDERED.

Dated: June 11, 2018

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE