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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES OLIVER,

Plaintiff,

No. CIV S-06-0390 MCE EFB P

vs.

THOMAS CAREY, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 2, 2009, the Ninth Circuit reversed the decision of this court and remanded the matter for further consideration. The court previously granted plaintiff leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

The court finds that, for the limited purposes of § 1915A screening, the complaint states cognizable claims that defendants Noriega, Mahmoud, Solomon and Thor were deliberately indifferent to plaintiff's serious medical needs. See 42 U.S.C. § 1983; 28 U.S.C. § 1915A(b).

Accordingly, it hereby is ordered that:

- 1. Service is appropriate for defendants Noriega, Mahmoud, Solomon and Thor;

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1 2. The Clerk of the Court shall send plaintiff four USM-285 forms, one summons, an
2 instruction sheet and one copy of the December 20, 2006, amended complaint;

3 3. Within 30 days from service of this order, plaintiff shall complete the attached Notice
4 of Submission of Documents and submit it to the court with the completed summons and USM-
5 285 forms and five copies of the endorsed December 20, 2006, pleading.

6 4. Upon receipt of the necessary materials, the court will direct the United States
7 Marshal to serve defendants Noriega, Mahmoud, Solomon and Thor pursuant to Federal Rule of
8 Civil Procedure 4 without payment of costs. Failure to comply with this order will result in a
9 recommendation that this action be dismissed.

10 Dated: April 14, 2009.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES OLIVER,

Plaintiff,

No. CIV S-06-0390 MCE EFB P

vs.

THOMAS CAREY,

Defendants.

NOTICE OF SUBMISSION OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's order
filed _____:

- 1 completed summons form
- 4 completed forms USM-285
- 5 copies of the December 20, 2006
Amended Complaint

Dated:

Plaintiff