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

SALADAN RUSHDAN, aka,
ROBERT WOODS,

Plaintiff,

No. CIV S-06-0729 GEB GGH P

vs.

TOM PERBULA, et al.,

Defendants.

ORDER

_____ /

On July 15, 2009, the court issued an order finding that plaintiff's attempt to serve defendants was improper because he had served the Attorney's General office. Because plaintiff sought injunctive and monetary relief, i.e. he sued defendants in their individual and official capacities, service on the Attorney General was not appropriate. The July 15, 2009, order advised plaintiff regarding the procedures for service. Plaintiff was granted thirty days to either file an in forma pauperis application or a short declaration stating his intention to attempt service on defendants.

On July 27, 2009, plaintiff filed a declaration stating that service on the Attorney General was proper because he was not suing defendants in their individual capacities. Plaintiff is informed that by seeking monetary relief, he is suing defendants in their individual capacities.

1 For that reason, service of the complaint on the Attorney General is improper.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days to
3 file an in forma pauperis application or a short declaration stating his intention to attempt service
4 of defendants.

5 DATED: August 11, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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