IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL E. DIAZ,

Plaintiff,

vs.

D.K. SISTO, et al.,

Defendants.

_____/

No. CIV S-07-0020-WBS-CMK-P

ORDER

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's amended complaint (Doc. 14). The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a).

In his amended complaint, plaintiff alleges a claim for deliberate indifference to a serious medical condition, in violation of the Eighth Amendment. He claims the defendants have refused to provide him with insulin as a result of racial discrimination and retaliation. Plaintiff's amended complaint is vague and confusing. However, reading the declaration he attaches to his complaint liberally, plaintiff alleges defendants Durfey, Gums, Orrick, Anderson, Chirilla, Cummins, Freese, Vela, McClain, Goodwin and Morin refused to release him to receive his insulin.[1]

[1] Plaintiff names several other defendants in his amended complaint. However, as addressed separately, plaintiff fails to allege any factual allegations against the other defendants.

The amended complaint appears to state a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. The court, therefore, finds that service is appropriate and will direct service by the U.S. Marshal without pre-payment of costs. Plaintiff is informed, however, that this action cannot proceed further until plaintiff complies with this order. Plaintiff is warned that failure to comply with this order may result in dismissal of the action. See Local Rule 11-110.

Accordingly, IT IS HEREBY ORDERED that:

1. The court authorizes service on the following defendant(s): Durfey, Gums, Orrick, Anderson, Chirilla, Cummins, Freese, Vela, McClain, Goodwin and Morin

2. The Clerk of the Court shall send plaintiff one USM-285 form for each defendant identified above, one summons, an instruction sheet, and a copy of the amended complaint (Doc. 14); and

3. Within 30 days of the date of service of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:

   a. The completed Notice of Submission of Documents;

   b. One completed summons;

   c. Eleven completed USM-285 form(s); and

   d. Twelve copies of the endorsed amended complaint.

DATED: January 14, 2009

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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Plaintiff,

vs.

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_____/

NOTICE OF SUBMISSION OF DOCUMENTS

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

__1__ completed summons form;

____ completed USM-285 form(s); and

____ copies of the amended complaint.

DATED: _____

_____
Plaintiff