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

10 RODOLFO MENDEZ CATO,

11 Plaintiff,

No. CIV S-07-0718 FCD KJM P

12 vs.

13 THOMAS L. CAREY,
14 Warden, et al.

15 Defendants.

ORDER

16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action
17 filed pursuant to 42 U.S.C. § 1983. By order filed October 3, 2007, plaintiff's complaint was
18 dismissed with leave to file an amended complaint. Plaintiff has now filed an amended
19 complaint.

20 The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C.
21 § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven,
22 plaintiff has a reasonable opportunity to prevail on the merits of this action.

23 In accordance with the above, IT IS HEREBY ORDERED that:

24 1. Service is appropriate for the following defendants: Deffenbaugh and
25 Traquina.

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1 2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons,
2 an instruction sheet and a copy of the amended complaint filed November 19, 2007.

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

5 a. The completed Notice of Submission of Documents;

6 b. One completed summons;

7 c. One completed USM-285 form for each defendant listed in number 1
8 above; and

9 d. Three copies of the endorsed amended complaint filed November 19,
10 2007.

11 4. Plaintiff need not attempt service on defendants and need not request waiver of
12 service. Upon receipt of the above-described documents, the court will direct the United States
13 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
14 without payment of costs.

15 DATED: February 4, 2008.

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17 U.S. MAGISTRATE JUDGE
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODOLFO MENDEZ CATO,

Plaintiff,

No. CIV S-07-718 FCD KJM P

vs.

THOMAS L. CAREY,
Warden, et al.,
Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____ /

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

- _____ completed summons form
- _____ completed USM-285 forms
- _____ copies of the _____

Amended Complaint

DATED:

Plaintiff