

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

MANUEL LARA,

Plaintiff,

No. 2:07-cv-2523 MCE JFM (PC)

VS.

DR. V. DUC, et al.,

## Defendants.

## ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed December 11, 2008, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

On February 4, 2009, plaintiff filed a request to have Exhibit B of his amended complaint supplemented with the appended Health Care Transfer Process forms. The Clerk of Court will be directed to append the complete Health Care Transfer Process documents appended to the February 4, 2009 filing to exhibit B of the amended complaint.

On January 5, 2009, plaintiff filed a request to have the exhibits from his original complaint appended to his amended complaint; good cause appearing, plaintiff's request will be granted.

1                   The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C.  
2 § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven,  
3 plaintiff has a reasonable opportunity to prevail on the merits of this action.

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

5                   1. Service is appropriate for defendants Dr. Duc and Officer Lampkin, who have  
6 previously appeared in this action.

7                   2. Defendants shall file an answer within twenty days from the date of this order.

8                   3. Plaintiff's requests (#24 & 25) are granted.

9                   4. The Clerk of the Court is directed to

10                   a. Append the Health Care Transfer Process forms appended to plaintiff's  
11 February 4, 2009 filing (#25) as Exhibit B to plaintiff's January 5, 2009 amended complaint  
12 (#23); and

13                   b. Append the exhibits attached to plaintiff's original complaint, filed  
14 November 26, 2007, to plaintiff's January 5, 2009 amended complaint (#23).

15 DATED: February 5, 2009.

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17                   \_\_\_\_\_  
18                   UNITED STATES MAGISTRATE JUDGE

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