IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN RYAN,	)	CV. NO. 2:08-00522 SOM-BMK
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
SOLANO COUNTY, SOLANO	)	
COUNTY SHERIFF'S	)	
DEPARTMENT and GARY	)	
STANTON	)	
	)	
Defendants.	)	
_____	)	

ORDER

Plaintiff Stephen Ryan is a state prisoner proceeding pro se *in forma pauperis*. See Docket No. 8. Construing Mr. Ryan's Complaint liberally, he seeks relief pursuant to 42 U.S.C. § 1983 for denial of adequate opportunity for physical exercise in violation of his rights under the Eighth Amendment. The Court has screened the complaint pursuant to 28 U.S.C. § 1915(e)(2) and § 1915A, and has determined that it alleges facts sufficient to proceed. The Court makes no determination as to the veracity of Mr. Ryan's allegations; merely that the allegations, if true, state a cognizable claim against Defendants Solano County, the Solano County Sheriff's Department and Mr. Gary Stanton. Spain v. Procunier,

600 F. 2d 189 (9 th Cir. 1979)(holding that in some circumstances "the denial of fresh air and regular outdoor exercise and recreation constitute cruel and unusual punishment").

Accordingly, IT IS HEREBY ORDERED that:

1.   Service of the Complaint is appropriate for Defendants Solano County, the Solano County Sheriff's Department and Mr. Gary Stanton.

2.   The Clerk of the Court shall send Plaintiff one instruction sheet and for each Defendant to be served: one USM-285 form, one summons, and one copy of the Complaint filed March 7, 2008.

3.   Within thirty days from the date of this order, Plaintiff shall complete the attached Notice of Submission of Documents and submit all of the following documents to the Court at the same time:

a.   The completed, signed Notice of Submission of Documents;

b.   One completed summons for each Defendant to be served;

c.   One complete USM-285 form for each Defendant to be served; and

d.   One copy of the Complaint filed March 7, 2008 for each Defendant to be served.

4.   Plaintiff shall not attempt to effect service of the Complaint on Defendants or request waiver of service of summons from Defendants. Upon receipt of the above described documents, the Court will direct the United States Marshal to serve the above-named Defendants pursuant to Federal Rules of Civil Procedure 4 without payment of costs.

5.   Plaintiff shall keep the Court informed of any change of address. Such notice shall be titled "NOTICE OF CHANGE OF ADDRESS." The notice shall contain only information about the change of address and its effective date. The notice shall not include any request for any other relief. Failure to file the notice may result in the dismissal of the action for failure to prosecute under Rule 41(b) of the Rules of Civil Procedure.

6.   Plaintiff shall serve a copy of all further pleadings or documents submitted to the Court upon each Defendant or his attorney. Plaintiff shall include, with any original paper to be filed with the Clerk of Court, a certificate stating the date that an exact copy of the document was mailed to each Defendant or his counsel. Any paper received by the District or Magistrate Judge which has not been filed with the Clerk of Court or which

does not include a certificate of service will be disregarded.

DATED: Honolulu, Hawaii, July 2, 2009.

IT IS SO ORDERED.

  /S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

<u>Stephen R. Ryan v. Solano County, et al.</u>, CV. NO. 2:08-00522 SOM-BMK; ORDER

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          Plaintiff,   )
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     vs.   )
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SOLANO COUNTY, SOLANO   )
COUNTY SHERIFF'S   )
DEPARTMENT and GARY   )
STANTON   )
)
          Defendants.   )
_____   )

NOTICE OF SUBMISSION OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the

Court's order filed _____:

_____ three completed summons forms;

_____ three completed USM-285 forms; and

_____ three true and exact copies of the Complaint filed March 7, 2008.

DATED: _____.   _____
                                 Plaintiff

Stephen R. Ryan v. Solano County, et al., CV. NO. 2:08-00522 SOM-BMK; ORDER