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

LUIS VALENZUELA RODRIGUEZ,	)	
Plaintiff,	)	CASE NO.    CIV S-08-1028 BJR
	)	
v.	)	
	)	ORDER GRANTING REQUEST
	)	TO PROCEED IN FORMA PAUPERIS
JAMES TILTON, et al.	)	
Defendants.	)	

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Plaintiff is a state prisoner proceeding *pro se*. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 12, 2008 and paid the statutory filing fee of \$350.00. Plaintiff now seeks leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed *in forma pauperis* will be granted.

By order filed on February 22, 2010, this court determined that plaintiff's second amended complaint, with the exception of the Third Cause of Action, states a cognizable claim for relief against defendants American Legion Ambulance, Smith, Galloway, Hashimoto, Santos, Pieri, Brimhall, Campbell, Akintola, Knipp, Subia, Garcia, Blim and the Deputy Warden of MCSP. Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request to proceed *in forma pauperis* is GRANTED;

1 2. The Third Cause of Action in the Second Amended Complaint is DISMISSED;

2 3. The Clerk of Court shall send plaintiff fourteen USM-285 forms, one summons, an  
3 instruction sheet and a copy of the Second Amended Complaint;

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

6 a. The complete Notice of Submission of Documents;

7 b. One completed summons;

8 c. One completed USM-285 form for each defendant; and

9 d. Six copies of the endorsed Second Amended Complaint.  
10

11 5. Plaintiff need not attempt service on defendants and need not request waiver of service.

12 Upon receipt of the above-described documents, the court will direct the United States Marshal  
13 to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without  
14 payment of costs.  
15

16  
17 DATED this 29th day of March, 2010.

18  
19 /s/ Barbara Jacobs Rothstein

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21 Barbara Jacobs Rothstein  
22 U.S. District Court Judge  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS VALENZUELA RODRIGUEZ

Plaintiff,

Case No. 2:08-cv-1028 BJR

vs.

JAMES TILTON, et al.

NOTICE OF SUBMISSION

Defendants.

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 \_\_\_\_\_  
Complaint/Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff