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

LANCE WARNER,

Plaintiff,

v.

M. McMAHON, et al.,

Defendants.

CASE NO. C08-1144JLR

ORDER

Plaintiff Lance Warner is a prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. By order dated July 17, 2009, the court dismissed in part Mr. Warner’s first amended complaint with leave to amend. (Dkt. # 16.) The court subsequently granted Mr. Warner’s request to extend the deadline to file a second amended complaint. (Dkt. # 19.) Mr. Warner has since filed a motion to withdraw his request for an extension of time and to dismiss the portion of his first amended complaint seeking injunctive relief. (Dkt. # 20.) Having reviewed Mr. Warner’s motion, the court deems the motion to withdraw his request for extension of time MOOT because the court already granted the request. Next, although Mr. Warner’s motion to dismiss his claims for injunctive relief is also largely moot as a result of this court’s order of July 17, 2009, the court

1 GRANTS the motion (Dkt. # 20) and DISMISSES any and all claims for injunctive relief in
2 Mr. Warner's first amended complaint to the extent not already dismissed.

3 As discussed previously, the court concludes that Mr. Warner has alleged a cognizable
4 claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A. If the allegations of the
5 complaint are proven, Mr. Warner has a reasonable opportunity to prevail on the merits of this
6 action.
7

8 Therefore, in accordance with the above and good cause appearing, IT IS HEREBY
9 ORDERED that:

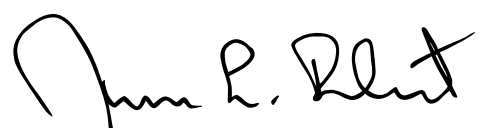
- 10 1. Service is appropriate for the following defendants: (a) M. McMahon; (b) B.
11 Landingham; (c) I. Larson; and (d) M. Day.
- 12 2. The Clerk of the Court shall send Plaintiff four USM-285 forms, one summons,
13 an instruction sheet, and a copy of the amended complaint filed on September
14 30, 2008 (Dkt. # 9).
- 15 3. Within 30 days from the date of this order, Plaintiff shall complete the attached
16 Notice of Submission of Documents and submit the following documents to the
17 court:
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 - 19 a. The completed Notice of Submission of Documents;
 - 20 b. One completed summons;
 - 21 c. One completed USM-285 form for each defendant listed in
22 number 1 above; and
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d. Five copies of the endorsed complaint filed on September 30, 2008.

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

Dated this 5th day of October, 2009.



JAMES L. ROBART
United States District Judge

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

LANCE WARNER,

Plaintiff,

v.
M. McMAHON, et al.,

Defendants.

CASE NO. C08-1144JLR

ORDER

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

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

DATED: _____

Plaintiff