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

WILLIAM BARKER,

Plaintiff,

No. CIV S-08-1160 WBS KJM P

vs.

L. SUSAN HUBBARD, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983.

By an order filed October 30, 2009, this court ordered plaintiff to complete and return to the court, within thirty days, one summons, seven USM-285 forms and eight copies of his amended complaint, all of which are required to effect service on the newly named defendants. See Docket No. 21. On November 19, 2009, plaintiff submitted seven summons forms, only one USM-285 form, and failed to file any copies of the amended complaint filed on February 6, 2009. The single USM-285 form received by the court names defendant Kett. Plaintiff need not re-submit a USM-285 form for Kett, but he must submit USM-285 forms for

1 each of the remaining six defendants who were added to this case in the amended complaint.<sup>1</sup>

2 He must also submit eight copies of the amended complaint.

3 While the new defendants named in the amended complaint have yet to be served,  
4 the defendant named in the original complaint, J. Foster, has appeared by removing this case  
5 from state court. The court has since screened the claims alleged in the amended complaint, as  
6 required by 28 U.S.C. § 1915A(a), and found that plaintiff has stated claims against all  
7 defendants, including J. Foster. See Docket No. 19. Defendant Foster therefore is required  
8 under Federal Rule of Procedure 12(a)(1)(A)(i) to file a responsive pleading to the amended  
9 complaint within twenty-one days.<sup>2</sup>

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The Clerk of the Court is directed to return to plaintiff a copy of the amended  
12 complaint submitted by plaintiff on February 6, 2009;

13 2. The Clerk of Court is directed to send plaintiff six USM-285 forms;

14 3. Within thirty days of the date of this order, plaintiff shall submit to the court  
15 six USM-285 forms for the remaining unserved defendants and seven copies of the February 6,  
16 2009, amended complaint required to effect service. Failure to return the copies within the  
17 specified time period will result in a recommendation that this action be dismissed against those  
18 defendants; and

19 4. Defendant Foster file a responsive pleading to the amended complaint within  
20 twenty-one days of the date of this order.

21 DATED: December 8, 2009.

22 4/md/bark1160.8f

  
U.S. MAGISTRATE JUDGE

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24 <sup>1</sup> The other defendants are listed in the court's order of October 30, 2009 (Docket No.  
25 21).

26 <sup>2</sup> Effective December 1, 2009, the new time period for responding to a complaint after  
service is twenty-one days. Fed. R. Civ. P. 12(a)(1)(A)(i).