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

EDWARD MOTLEY,	)	
	)	2:08-CV-01423-RLH-VPC
Plaintiff,	)	
	)	
vs.	)	<u>ORDER</u>
	)	
J. SMITH, et al.,	)	
	)	
Defendants.	)	

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On July 30, 2009, a report and recommendation (#15) was entered recommending that plaintiff's complaint (#1) proceed as to the following defendants and claims:

1. Plaintiff's Fourteenth Amendment claims against defendants Smith, Peddicord, Beasley, Kemp, Wright, Chapman, and McGrath;
  2. Plaintiff's First Amendment retaliation claims against defendants Smith and McGuire;
  3. Plaintiff's First Amendment Access to the Courts claims against defendant Peddicord, Wagner, and Rausch;
  4. Plaintiff's Eighth Amendment excessive force claim against defendant McGuire;
- and
5. Plaintiff's Eighth Amendment deliberate indifference claims against defendants Callison and Craddock.

On October 26, 2009, the District Court accepted and adopted the report and recommendation and ordered that plaintiff's claims were permitted to proceed as stated therein (#20).

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**IT IS THEREFORE ORDERED** that:

1. Service of the complaint (#1) is appropriate for the following defendants: **J. Smith, D. Peddicord, Beasley, R. Kemp, E. Rausch, M. Wright, D. McGuire, Callison, R. Craddock, D. Chapman, and Joe McGrath.**

2. The Clerk of the Court shall send plaintiff eleven USM-285 forms, eleven summons, an instruction sheet and a copy of the complaint (#1), a copy of the report and recommendation (#15), and a copy of the court's order (#20).

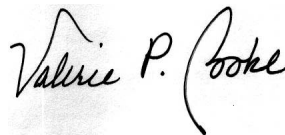
3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit all of the following documents to the court at the same time:

- a. The completed, signed Notice of Submission of Documents;
- b. Eleven completed summons;
- c. Eleven completed USM-285 forms, one for each defendant listed in number 1 above; and
- d. Eleven copies of the complaint (#1), the report and recommendation (#15), and the court's order (#20).

4. Plaintiff shall not attempt to effect service of the complaint on defendants or request a waiver of service of summons from any defendant. 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.

**IT IS SO ORDERED.**

**DATED:** November 10, 2009.



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**UNITED STATES MAGISTRATE JUDGE**

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

EDWARD MOTLEY,	)	
	)	2:08-CV-01423-RLH-VPC
Plaintiff,	)	
	)	
vs.	)	
	)	
J. SMITH, et al.,	)	<b>NOTICE OF SUBMISSION</b>
	)	<b>OF DOCUMENTS</b>
Defendants.	)	
_____	)	

Plaintiff hereby submits the following documents in compliance with the court's order  
filed \_\_\_\_\_.

- \_\_\_\_\_ completed summons forms
- \_\_\_\_\_ completed USM-285 forms
- \_\_\_\_\_ copies of the complaint
- \_\_\_\_\_ copies of the report and recommendation
- \_\_\_\_\_ copies of the court's order filed October 27, 2009 (#20)

\_\_\_\_\_ Dated: \_\_\_\_\_.

\_\_\_\_\_  
Plaintiff