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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, **ORDER**
vs.
J. SMITH, et al.,
Defendants.

_____ /

Plaintiff's motion for clarification (#24) is **GRANTED**. On July 30, 2009, a report and recommendation (#15) was entered recommending that plaintiff's complaint (#1) proceed as to plaintiff's First Amendment Access to the Court's claims against defendant H. Wagner and others. 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).

IT IS THEREFORE ORDERED that:

1. Service of the complaint (#1) is appropriate for defendant **H. Wagner**.
2. The Clerk of the Court shall **SEND** plaintiff on USM-285 form, one 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 the 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. The completed summons;

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c. The completed USM-285 form for the defendant listed in number one above;

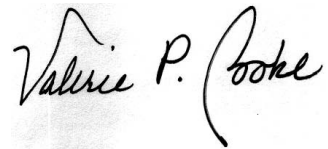
and

d. One copy 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 defendant(s) 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 defendant(s) pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED.

DATED: December 14, 2009.



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, **NOTICE OF SUBMISSION**
OF DOCUMENTS
v.
J. SMITH, et al.,
Defendants.

_____/

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

_____.

- _____ completed summons form
- _____ completed USM-285 form
- _____ copy of the complaint
- _____ copy of the report and recommendation (#15)
- _____ copy of the court's order filed October 27, 2009 (#20)

Dated: _____.

Plaintiff