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

DARONTA T. LEWIS,

No. CIV S-08-1723-CMK-P

Plaintiff,

vs.

ORDER

RIPPETOE, et al.,<sup>1</sup>

Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's first amended complaint (Doc. 27).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a).

Plaintiff's claims are outlined in the accompany order to show cause and will not be repeated here.

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<sup>1</sup> The only individuals named in the operative pleading are: Rippetoe, Van Sant, Harris, Rath, Johnson, and Edwards. The Clerk of the Court will be directed to update the docket to reflect that these are the only defendants. All other individuals listed on the docket will be terminated as defendants.

1           The first amended complaint appears to state cognizable claims for relief under  
2 the Eighth Amendment as to defendants Rippetoe, Van Sant, and Harris pursuant to 42 U.S.C.  
3 § 1983 and 28 U.S.C. § 1915A(b). If the allegations are proven, plaintiff has a reasonable  
4 opportunity to prevail on the merits of this action. The court, therefore, finds that service is  
5 appropriate and will direct service by the U.S. Marshal without pre-payment of costs. Plaintiff is  
6 informed, however, that this action cannot proceed further until plaintiff complies with this order.  
7 Plaintiff is warned that failure to comply with this order may result in dismissal of the action.  
8 See Local Rule 11-110.

9           Accordingly, IT IS HEREBY ORDERED that:

10           1.       The Clerk of the Court is directed to update the docket to reflect that the  
11 only defendants to this action are: Rippetoe, Van Sant, Harris, Rath, Johnson, and Edwards, and  
12 to terminate as defendant all other individuals listed on the docket;

13           2.       The court authorizes service on the following defendant(s):

14                       RIPPETOE,  
15                       VAN SANT, and  
16                       HARRIS;

17           3.       The Clerk of the Court shall send plaintiff one USM-285 form for each  
18 defendant identified above, one summons, an instruction sheet, and a copy of the first amended  
19 complaint; and

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1           4.       Within 30 days of the date of service of this order, plaintiff shall complete  
2 the attached Notice of Submission of Documents and submit the following documents to the  
3 court:

- 4           a.       The completed Notice of Submission of Documents;  
5           b.       One completed summons;  
6           c.       Three completed USM-285 form(s); and  
7           d.       Four copies of the endorsed [ORDINAL amended] complaint.

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10 DATED: April 14, 2009

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12 **CRAIG M. KELLISON**  
13 UNITED STATES MAGISTRATE JUDGE  
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**IN THE UNITED STATES DISTRICT COURT  
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DARONTA T. LEWIS,

No. CIV S-08-1723-CMK-P

Plaintiff,

vs.

RIPPETOE, et al.,

Defendants.

\_\_\_\_\_ /

NOTICE OF SUBMISSION OF DOCUMENTS

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

- 1 completed summons form;
- \_\_\_\_\_ completed USM-285 form(s); and
- \_\_\_\_\_ copies of the first amended complaint.

DATED: \_\_\_\_\_

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Plaintiff