

1 process violation and orders Plaintiff to prepare and return service
2 documents so that the U.S. Marshals may serve the complaint on Defendants
3 Suzanne Hubbard, Karem E. Noujaim, and Suzanne Smith. All claims against
4 Karen Thacker, Appeals Coordinator, are dismissed because she is immune
5 from suit for damages under section 1983. See generally *Moore v.*
6 *Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996) (applying absolute judicial
7 immunity to certain court employees "who perform functions closely
8 associated with the judicial process"). This immunity "extends to
9 actions for declaratory, injunctive and other equitable relief." *Id.* at
10 1243.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. All section 1983 damage claims against Karen Thacker are
13 **dismissed with prejudice.** The District Court Executive shall amend the
14 caption to reflect that Karen Thacker is no longer a party.

15 2. Service is appropriate for the following Defendants: Suzanne
16 Hubbard, Karem E. Noujaim, and Suzanne Smith.

17 3. The Clerk of Court shall immediately send Plaintiff a USM-285
18 form for each Defendant to be served, as well as a summons, instruction
19 sheet, and a copy of the complaint (Ct. Rec. 1).

20 4. Within **forty-five (45) days** from the date of this Order,
21 Plaintiff shall complete the attached Notice of Submission of Documents
22 and submit the following documents to the Court:

- 23 a. The completed Notice of Submission of Documents;
- 24 b. One completed summons;
- 25 c. One completed USM-285 form for each Defendant listed in
26 paragraph 2 above; and

1 d. four (4) copies of the complaint (Ct. Rec. 1).

2 5. Plaintiff need not attempt service on Defendants and need not
3 request waiver of service. After receiving the above-described
4 documents, the Court will issue a separate Order requiring the U.S.
5 Marshals to serve each Defendant listed in paragraph 2.

6 6. The Court cautions Plaintiff that failing to submit the above-
7 described documents within **forty-five (45) days** will be construed as
8 permission to **dismiss this lawsuit** under Federal Rule of Civil
9 Procedure 41.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter
11 this Order and provide a copy to Plaintiff and the U.S. Marshals Service.

12 **DATED** this 29th day of January 2009.

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15 S/ Edward F. Shea
EDWARD F. SHEA
16 United States District Judge

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

RONNIE BROWN,

Plaintiff,

v.

SUZANNE HUBBARD, Secretary,
California Department of
Corrections, et. al.,

Defendants.

NO. CV-08-2394-EFS (PC)

NOTICE OF SUBMISSION OF
DOCUMENTS

Plaintiff hereby submits the following documents in compliance
with the Court's Order filed _____:

- _____ completed summons form;
- _____ completed USM-285 forms; and
- _____ copies of the complaint (Ct. Rec. 1).

DATED: _____

Plaintiff