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

KEVIN BARTHOLOMEW,

Plaintiff,

No. CIV S-08-3058 MCE KJM P

vs.

CLIFF LANE, et all.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed April 16, 2009, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for defendants Chesser and Lane.
2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons, an instruction sheet and a copy of the amended complaint filed May 15, 2009.

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

- 3                   a. The completed Notice of Submission of Documents;  
4                   b. One completed summons;  
5                   c. One completed USM-285 form for each defendant listed in number 1  
6                   above; and  
7                   d. Three copies of the endorsed amended complaint filed May 15, 2009.

8                   4. Plaintiff need not attempt service on defendants and need not request waiver of  
9 service. Upon receipt of the above-described documents, the court will direct the United States  
10 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
11 without payment of costs.

12 DATED: October 8, 2009.

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15 U.S. MAGISTRATE JUDGE

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

KEVIN BARTHOLOMEW,

Plaintiff,

No. CIV S-08-3058 MCE KJM P

vs.

CLIFF LANE, et al.,

Defendants.

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
- \_\_\_\_\_ copies of the \_\_\_\_\_  
Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff