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

BRIAN S. SEEFELDT,

Plaintiff,

No. 2:08-cv-3123 JFM (PC)

vs.

CALIFORNIA FORENSIC MEDICAL  
GROUP, et al.,

Defendants.

\_\_\_\_\_/ ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By this order, plaintiff will be assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account

1 and forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly  
2 payments of twenty percent of the preceding month's income credited to plaintiff's trust account.  
3 These payments will be forwarded by the appropriate agency to the Clerk of the Court each time  
4 the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C.  
5 § 1915(b)(2).

6 Plaintiff states he was diagnosed with an acoustic neuroma on the right side of his  
7 brain on or about March 10, 2008. Despite repeated efforts to obtain treatment, plaintiff  
8 contends that no MRI of the right side of his brain has been performed as of December 12, 2008,  
9 and he has not been provided surgery or radiation treatment. Plaintiff states he has now lost all  
10 hearing in his right ear.

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

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

15 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

16 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action.

17 Plaintiff is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.  
18 § 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the  
19 Sheriff of Solano County filed concurrently herewith.

20 3. Service is appropriate for the following defendants: Solano County Sheriff,<sup>1</sup>  
21 Dr. Kadavari, Tom Norris, RN Karina Purcell and RN James Lewis.

22 4. The Clerk of the Court shall send plaintiff five USM-285 forms, one summons,  
23 an instruction sheet and a copy of the complaint filed December 23, 2008.

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25 <sup>1</sup> Plaintiff named the Solano County Custody as a defendant; good cause appearing,  
26 service of process on the Solano County Sheriff will be ordered as plaintiff is presently in the  
Sheriff's custody.

1                   5. 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 3  
6                   above; and  
7                   d. Six copies of the endorsed complaint filed December 23, 2008.

8                   6. 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: January 13, 2009.

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15 UNITED STATES MAGISTRATE JUDGE

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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 \_\_\_\_\_  
Complaint/Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff