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

HERMAN TIEMENS, JR.,

Plaintiff,

No. CIV S-09-0052 EFB P

vs.

R. L. ANDREASEN, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests leave to proceed *in forma pauperis*. See 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).

Plaintiff must pay the statutory filing fee of \$350. See 28 U.S.C. §§ 1914(a), 1915(b)(1). Plaintiff must make monthly payments of 20 percent of the preceding month’s income credited to his prison trust account. All payments shall be forwarded by the appropriate agency to the Clerk of the Court when amount in plaintiff’s account exceeds \$10 until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

///

1 The court finds that, for the limited purposes of § 1915A screening, the complaint states
2 claims that R. Andreasen and Nadim K. Khoury were deliberately indifferent to plaintiff's
3 serious medical needs pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b).

4 Accordingly, it hereby is ordered that:

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

6 2. Plaintiff must pay the statutory filing fee of \$350 for this action. All payments shall be
7 collected in accordance with the order to the Director of the California Department of
8 Corrections and Rehabilitation filed concurrently herewith.

9 3. Service is appropriate for defendants R. L. Andreasen and Nadim K. Khoury.

10 4. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons, an
11 instruction sheet and one copy of the January 22, 2009, pleading.

12 5. Within 30 days from service of this order, plaintiff shall complete the attached Notice
13 of Submission of Documents and submit it to the court with the completed summons and USM-
14 285 forms and three copies of the endorsed January 22, 2009, pleading.

15 6. Upon receipt of the necessary materials, the court will direct the United States
16 Marshal to serve defendants R. L. Andreasen and Nadim K. Khoury pursuant to Federal Rule of
17 Civil Procedure 4 without payment of costs. Failure to comply with this order may result in this
18 action being dismissed.

19 Dated: July 21, 2009.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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

HERMAN TIEMENS, JR.,

Plaintiff,

No. CIV S-09-0052 EFB P

vs.

R. L. ANDREASEN, et al.,

Defendants.

NOTICE OF SUBMISSION OF DOCUMENTS

_____ /

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

- 1 completed summons form
- 2 completed forms USM-285
- 3 copies of the January 22, 2009
First Amended Complaint

Dated:

Plaintiff