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

ARMANDO GOMEZ,

Plaintiff,

No. CIV S-09-0265 MCE GGH P

vs.

M. MARTEL, Warden, et al.,

Defendant.

ORDER

_____/

Plaintiff is a former state prisoner proceeding pro se. He seeks relief pursuant to 42 U.S.C. § 1983. By concurrent Order & Findings and Recommendations plaintiff's claims against two other defendants were dismissed.

However, as noted in the concurrent Order & Findings and Recommendations, plaintiff's complaint states a cognizable claim for relief against warden M. Martel, pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the 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 the following defendant: M. Martell.
2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, an instruction sheet and a copy of the complaint filed January 29, 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. Two copies of the endorsed complaint filed January 29, 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: July 22, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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

ARMANDO GOMEZ,

Plaintiff,

No. CIV S-09-0265 MCE GGH P

vs.

M. MARTEL, Warden, 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
- 1 completed USM-285 forms
- 2 copies of the January 29, 2009
Amended Complaint

DATED:

Plaintiff