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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	SHAWN CURTIS DONGES,
11	Plaintiff, No. CIV S-09-0360 DAD P
12	VS.
13	DON PERETT, et al.,
14	Defendants. <u>ORDER</u>
15	/
16	Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff
17	seeks relief pursuant to 42 U.S.C. § 1983. By order filed July 20, 2009, plaintiff's amended
18	complaint was dismissed with leave to file a second amended complaint. Plaintiff has filed a
19	second amended complaint.
20	Plaintiff's second amended complaint appears to state cognizable claims for relief
21	pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the second
22	amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of
23	this action.
24	Accordingly, IT IS HEREBY ORDERED that:
25	1. Service of the second amended complaint is appropriate for the following
26	defendants: Don Perett, Brian Flicker, and Dr. John Baker.
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1	2. The Clerk of the Court shall send plaintiff three USM-285 forms, one
2	summons, an instruction sheet, and a copy of the second amended complaint filed August 5,
3	2009.
4	3. Within thirty days from the date of this order, plaintiff shall complete the
5	attached Notice of Submission of Documents and submit all of the following documents to the
6	court at the same time:
7	a. The completed, signed Notice of Submission of Documents;
8	b. One completed summons;
9	c. One completed USM-285 form for each defendant listed in number 1
10	above; and
11	d. Four copies of the second amended complaint filed August 5, 2009.
12	4. Plaintiff shall not attempt to effect service of the second amended complaint on
13	defendants or request a waiver of service of summons from any defendant. Upon receipt of the
14	above-described documents, the court will direct the United States Marshal to serve the above-
15	named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
16	DATED: August 19, 2009.
17	Dals A. Dage
18	DALE A. DROZD
19	UNITED STATES MAGISTRATE JUDGE
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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	SHAWN CURTIS DONGES,
11	Plaintiff, No. CIV S-09-0360 DAD P
12	VS.
13	DON PERETT, et al., <u>NOTICE OF SUBMISSION</u>
14	Defendants. OF DOCUMENTS
15	/
16	Plaintiff hereby submits the following documents in compliance with the court's
17	order filed:
18	<u>one</u> completed summons form;
19	<u>three</u> completed USM-285 forms; and
20	<u>four</u> true and exact copies of the second amended complaint filed August
21	5, 2009.
22	DATED:
23	
24	Plaintiff
25 26	
26	