

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

WILLIAM THOMAS COATES,

No. CIV S-09-1300-CMK-P

Plaintiff,

vs.

ORDER

MICHAEL FOX, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s complaint (Doc. 1). The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a).

Plaintiff’s complaint alleges that defendant Fox interfered with his medical treatment for Hepatitis C, essentially claiming defendant Fox was deliberately indifferent to his serious illness. Specifically, he claims that Dr. Fox vetoed the treatment prescribed by other medical staff, and due to Dr. Fox’s actions, no therefore treatment has been started.

Plaintiff has also named other medical professionals as well as two wardens as defendants in this action. As discussed in a separate order, Plaintiff is unable to state a claim

1 against those other defendants, and the undersigned finds it appropriate to dismiss the claims
2 against them.

3 However, the complaint does appear to state a cognizable claim for relief against
4 defendant Fox pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations are
5 proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. The court,
6 therefore, finds that service is appropriate and will direct service by the U.S. Marshal without
7 pre-payment of costs. Plaintiff is informed, however, that this action cannot proceed further until
8 plaintiff complies with this order. Plaintiff is warned that failure to comply with this order may
9 result in dismissal of the action. See Local Rule 11-110.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The court authorizes service on the following defendant(s): Dr. Michael
12 Fox;

13 2. The Clerk of the Court shall send plaintiff one USM-285 form for each
14 defendant identified above, one summons, an instruction sheet, and a copy of the complaint; and

15 3. Within 30 days of the date of service of this order, plaintiff shall complete
16 the attached Notice of Submission of Documents and submit the following documents to the
17 court:

- 18 a. The completed Notice of Submission of Documents;
- 19 b. One completed summons;
- 20 c. One completed USM-285 form(s); and
- 21 d. Two copies of the endorsed complaint.

22 DATED: October 27, 2009

23 
24 **CRAIG M. KELLISON**
25 UNITED STATES MAGISTRATE JUDGE
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

WILLIAM THOMAS COATES,
Plaintiff,

No. CIV S-09-1300-CMK-P

vs.
MICHAEL FOX, et al.,
Defendants.

NOTICE OF SUBMISSION OF DOCUMENTS

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

- 1 completed summons form;
- completed USM-285 form(s); and
- copies of the complaint.

DATED: _____

Plaintiff