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

WILLIAM THOMAS COATS,

Plaintiff,

No. CIV S-09-1301 MCE GGH P

vs.

MIKE MCDONALD, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed on July 14, 2009, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

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

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

2 1. Service is appropriate for the following defendants: Chief Medical Officer  
3 CMO) Michael Fox; CMO Dorothy Swingle;<sup>1</sup> Dr. Nepomuceno; Physician's Assistant Raphael  
4 Miranda.

5 2. The Clerk of the Court shall send plaintiff four (4) USM-285 forms, one  
6 summons, an instruction sheet and a copy of the amended complaint filed August 13, 2009  
7 (docket # 13).

8 3. Within thirty days from the date of this order, plaintiff shall complete the  
9 attached Notice of Submission of Documents and submit the following documents to the court:

10 a. The completed Notice of Submission of Documents;

11 b. One completed summons;

12 c. One completed USM-285 form for each defendant listed in number 1  
13 above; and

14 d. Five (5) copies of the endorsed amended complaint filed August 13,  
15 2009 (dkt # 13).

16 4. Plaintiff need not attempt service on defendants and need not request waiver of  
17 service. Upon receipt of the above-described documents, the court will direct the United States  
18 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
19 without payment of costs.

20 DATED: August 31, 2009

21 /s/ Gregory G. Hollows

22 UNITED STATES MAGISTRATE JUDGE

23 GGH:009  
24 coat1301.1am

25 \_\_\_\_\_  
26 <sup>1</sup> Plaintiff identifies Dr. Fox as CMO at Deuel Vocational Institution and Dr. Swingle as High Desert State Prison's CMO.

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Plaintiff,

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vs.

MIKE MCDONALD, 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
- 4 completed USM-285 forms
- 5 copies of the 8/13/2009  
Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff