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5	IN THE UNITED STATES DISTRICT COURT			
6	FOR THE EASTERN DISTRICT OF CALIFORNIA			
7	TONY MABRY,			
8	Plaintiff, No. CIV S-09-1581 WBS GGH P			
9	VS.			
10	ROBERT SANTOS,			
11	Defendant. ORDER			
12	/			
13	Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action			
14	filed pursuant to 42 U.S.C. § 1983. By order filed on August 13, 2009, plaintiff's complaint was			
15	dismissed with leave to file an amended complaint. Plaintiff has now filed an amended			
16	complaint. Plaintiff also asks that his filings, signed on August 16, 2009, be disregarded, which			
17	includes his declining the jurisdiction of the undersigned, because plaintiff had not yet received			
18	the court's order, filed on August 13, 2009, when he sent those documents. The court will grant			
19	the motion disregarding both filings of that date, dated in this court as filed on August 19, 2009			
20	(docket # 10 and # 11), and will provide plaintiff with another consent form; however, should			
21	plaintiff fail to file the new consent/reassignment form within twenty-eight (28) days, the form			
22	declining consent will be re-instated.			
23	The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C.			
24	§ 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven,			
25	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: Robert Santos.					
3	2. The Clerk of the Court shall send plaintiff one (1) USM-285 form, one					
4	summons, an instruction sheet and a copy of the amended complaint filed September 2, 2009					
5	(docket # 14).					
6	3. Within thirty days from the date of this order, plaintiff shall complete the					
7	attached Notice of Submission of Documents and submit the following documents to the court:					
8	a. The completed Notice of Submission of Documents;					
9	b. One completed summons;					
10	c. One completed USM-285 form for each defendant listed in number 1					
11	above; and					
12	d. Two (2) copies of the endorsed amended complaint filed September 2,					
13	2009 (docket # 14.					
14	4. Plaintiff need not attempt service on defendants and need not request waiver of					
15	service. Upon receipt of the above-described documents, the court will direct the United States					
16	Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4					
17	without payment of costs.					
18	5. The Clerk of the Court shall provide plaintiff with another copy of <i>the</i>					
19	consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this court;					
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1	6. Plaintiff's August 24, 2009 (docket # 13), motion to disregard the documents				
2	signed by plaintiff on August 16, 2009, and filed in this court on August 19, 2009 (docket # 10				
3	and docket # 11), is granted; however, should plaintiff fail to return the consent form referenced				
4	above within 28 days, plaintiff's filing at docket # 11, declining the jurisdiction of the				
5	undersigned, will be re-instated.				
6	DATED: February 17, 2010				
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8	/s/ Gregory G. Hollows				
9	UNITED STATES MAGISTRATE JUDGE				
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11	GGH:009 mabr1581.1am				
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8	IN THE UNITED STATES DISTRICT COURT				
9	FOR THE EASTERN DISTRICT OF CALIFORNIA				
10	TONY MABRY,				
11	Р	laintiff,	No. CIV S-09-1581 WBS GGH P		
12	vs.				
13	ROBERT SANTOS,		NOTICE OF SUBMISSION		
14	E	Defendant.	OF DOCUMENTS		
15			/		
16	Р	laintiff hereby subm	its the following documents in compliance with the court's		
17	order filed	:			
18		<u> </u>	eted summons form		
19	_	<u> </u>	eted USM-285 form		
20	_	<u>2</u> copies	of the <u>September 2, 2009</u> Amended Complaint		
21	DATED:				
22					
23			Plaintiff		
24					
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