

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

MARLIN PENN,

Plaintiff,

No. 2:09-cv-2443 JFM (PC)

vs.

Warden 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 October 14, 2009, plaintiff's complaint was dismissed with leave to file an amended complaint. After receiving extensions of time, plaintiff filed an amended complaint on December 8, 2009. Plaintiff alleges, *inter alia*, interference with, and delayed delivery of, confidential and legal mail in violation of his First, Fourth, Sixth and Fourteenth Amendment rights.

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.

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

////

1 1. Service is appropriate for the following defendants: Warden McDonald,
2 Director Jeanne Woodford, and Correctional Sgt. M. Keating;

3 2. The Clerk of the Court shall send plaintiff three USM-285 forms, one
4 summons, an instruction sheet and a copy of the amended complaint filed December 7, 2009.

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

7 a. The completed 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 endorsed amended complaint filed December 7,
12 2009.

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

17 DATED: December 10, 2009.

18
19 
20 UNITED STATES MAGISTRATE JUDGE

21 /001; penn2443.1
22
23
24
25
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

MARLIN PENN,

Plaintiff,

No. 2:09-cv-2443 JFM (PC)

vs.

Warden MCDONALD, et al.,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____ /

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

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____
Amended Complaint

DATED:

Plaintiff