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

DONALD NELSON, et al.

Plaintiffs,

No. CIV S-09-2776 EFB P

vs.

BUTTE COUNTY SHERIFF'S  
DEPARTMENT, et al.

Defendants.

ORDER

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Donald Nelson, Joseph Simpson, Thomas Brewer, and Donald Canfield, formerly incarcerated at Butte County Jail, filed this civil rights action under 42 U.S.C. § 1983 through counsel. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Pursuant to 28 U.S.C. § 1915A, the court shall review “a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.” 28 U.S.C. § 1915A(a). Under that statute, a “prisoner” includes “any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.” *Id.* § 1915A(c). “On review, the court

1 shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the  
2 complaint (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted;  
3 or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b).

4 The court finds that, for the limited purposes of § 1915A screening, the complaint states  
5 cognizable claims for relief against all named defendants.<sup>1</sup>

6 Accordingly, it hereby is ordered that service is appropriate for defendants Butte County  
7 Sheriff’s Department, Sergeant Hovey, Lieutenant Bryan Flicker, Correctional Officer Patrick  
8 Narvais, Correctional Officer Maffucci, Correctional Officer Demmers, Correctional Officer  
9 Mell, Correctional Officer Bentley, Correctional Officer Stockwell, Correctional Officer  
10 Morehead, Sheriff’s Deputy J. Deal, Sheriff’s Deputy McNulty, Sheriff’s Deputy Paley, Captain  
11 Jerry Jones, and California Forensic Medical Group.

12 The Clerk shall issue a summons and immediately forward same to counsel for plaintiff  
13 to effect service of process on the above-named defendants.

14 Dated: August 30, 2010.

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16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
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23 <sup>1</sup> Plaintiffs also names Does 1-40 as defendants. The use of Doe Defendants is not  
24 favored in the Ninth Circuit. *See Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980).  
25 Should plaintiffs learn their identities through discovery, they may move to file an amended  
26 complaint to add them as defendants. *See Brass v. County of Los Angeles*, 328 F.3d 1192,  
1197-98 (9th Cir. 2003). The same applies to the unnamed plaintiffs named in the complaint  
(Roes 1-100) – should plaintiffs wish to add new plaintiffs not expressly named in the complaint  
at some future time, they may move to file an amended complaint to do so.