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

JOHN KENT,

Plaintiffs,

No. 2:09-cv-02905 FCD KJN PS

v.

ORDER

CALIFORNIA DEPARTMENT OF
CONSUMER AFFAIRS;
CONTRACTORS' STATE LICENSE
BOARD; STUART RIND; RICK
VILLUCCI; DIANA ROACH; RICK
LOPEZ; STEPHEN TAKIMOTO;
LESLIE YOAKUM; CARL VEGA; SUE
STIREWALT; KEVIN KERR; JIM
KLEIMAN; THOMAS EBLING; SUE
PAYNE; ANDREA SOUZA; ANITA
SISNEROS; JACQUELYN MAES;
PATRICIA NELSON; and UNKNOWN
CSLB EMPLOYEES 1-15,

Defendants.

_____ /

Plaintiff is proceeding without counsel and in forma pauperis. The undersigned previously screened plaintiffs' Ninth Amended Complaint pursuant to 28 U.S.C. § 1915(e) and prepared findings and recommendations, which recommended that: (1) two defendants, the California Department of Consumer Affairs and the Contractors State Licensing Board, be dismissed from this action with prejudice; (2) all of plaintiff's claims alleged against the

1 remaining individual defendants be dismissed with prejudice to the extent that plaintiff has
2 alleged such claims against the individual defendants in their official capacities; and
3 (3) plaintiff's tenth and eleventh claims for relief brought pursuant to 42 U.S.C. §§ 1985 and
4 1986, respectively, be dismissed with prejudice as to all defendants. (Dkt. No. 17.) The
5 undersigned concluded, however, that service of the Ninth Amended Complaint, as narrowed,
6 would be appropriate on certain defendants once the United States District Judge assigned to this
7 matter acted on proposed findings and recommendations. (Id.)

8 In an order entered July 20, 2010, United States District Judge Frank C. Damrell,
9 Jr., adopted the undersigned's proposed findings and recommendations in full. (Dkt. No. 20.)
10 Following Judge Damrell's adoption of the proposed findings and recommendations, the
11 undersigned will order service of the Ninth Amended Complaint, as modified.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Service of plaintiff's Ninth Amended Complaint, as modified, is
14 appropriate as to the following defendants: Thomas Ebling, Kevin Kerr, Jim Kleiman, Rick
15 Lopez, Jacquelyn Maes, Patricia Nelson, Sue Payne, Stuart Rind, Diana Roach, Anita Sisneros,
16 Andrea Souza, Sue Stirewalt, Stephen Takimoto, Carl Vega, Rick Villucci, and Leslie Yoakum.

17 2. The Clerk of the Court is directed to issue forthwith all process pursuant to
18 Federal Rule of Civil Procedure 4.

19 3. The Clerk of Court shall send plaintiff sixteen USM-285 forms, one
20 summons, an endorsed copy of plaintiff's Ninth Amended Complaint (Dkt. No. 14), this court's
21 scheduling order, and the forms providing notice of the magistrate judge's availability to exercise
22 jurisdiction for all purposes.

23 4. Plaintiff is advised that to effectuate service, the U.S. Marshal will require:

24 a. One completed summons;

25 b. One completed USM-285 form for each defendant to be served;

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1 c. A copy of the Ninth Amended Complaint for each defendant to be
2 served, with an extra copy for the U.S. Marshal; and

3 d. A copy of this court's scheduling order and related documents for
4 each defendant to be served; and

5 5. Plaintiff shall supply the United States Marshal, within 30 days from the
6 date this order is filed, all information needed by the Marshal to effectuate service of process, and
7 *shall, within 10 days thereafter, file a statement with the court that such documents have been*
8 *submitted to the United States Marshal.*


9 6. The U.S. Marshal shall serve process, with copies of this court's
10 scheduling order and related documents, within 90 days of receipt of the required information
11 from plaintiff, without prepayment of costs. *The United States Marshal shall, within 10 days*
12 *thereafter, file a statement with the court that such documents have been served.* If the U.S.
13 Marshal is unable, for any reason, to effect service of process on any defendant, the Marshal shall
14 promptly report that fact, and the reasons for it, to the undersigned.

15 7. The Clerk of Court shall serve a copy of this order on the United States
16 Marshal, 501 "I" Street, Sacramento, CA 95814 (tel. 916-930-2030).

17 8. Plaintiff's failure to comply with this order may result in a
18 recommendation that this action be dismissed.

19 IT IS SO ORDERED.

20 DATED: July 21, 2010

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23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE
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