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

THERON KENNETH HOLSTON,

Plaintiff,

No. CIV S-09-2954 DAD P

vs.

JOSEPH DEBANCA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. By order filed February 16, 2010, plaintiff’s complaint was dismissed with leave to amend. Plaintiff has filed an amended complaint.

Plaintiff’s amended complaint appears to state cognizable claims 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.

Accordingly, IT IS HEREBY ORDERED that:

1. Service of the amended complaint is appropriate for the following defendants:

Joseph DeBanca and Phillip Spanini.

////

1 2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons,
2 an instruction sheet, and a copy of the amended complaint filed February 25, 2010.

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

- 6 a. The completed, signed Notice of Submission of Documents;
7 b. One completed summons;
8 c. One completed USM-285 form for each defendant listed in number 1
9 above; and
10 d. Three copies of the endorsed amended complaint filed February 25,
11 2010.

12 4. Plaintiff shall not attempt to effect service of the amended complaint on
13 defendants or request a waiver of service of summons from any defendant. Upon receipt of the
14 above-described documents, the court will direct the United States Marshal to serve the above-
15 named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

16 DATED: March 2, 2010.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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

THERON KENNETH HOLSTON,

Plaintiff,

No. CIV S-09-2954 DAD P

vs.

JOSEPH DEBANCA, et al.,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____ /

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

_____ one completed summons form;

_____ two completed USM-285 forms; and

_____ three true and exact copies of the amended complaint filed February 25,
2010.

DATED: _____.

Plaintiff