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

JULIUS JONES,

Plaintiff,

No. CIV S-09-2974 GGH P

vs.

A. DAZO, et al.,

Defendants.

ORDER &
FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. On March 23, 2010, the court found plaintiff's complaint stated a colorable claim for relief against defendants Dr. A. Dazo and Dr. S. Reddy, but dismissed claims against Holloway,¹ Bradley, Casey, Cardeno, Butler and Kramer with leave to amend within twenty-eight days. Plaintiff has not filed an amended complaint, therefore defendants Holloway, Bradley, Casey, Cardeno, Butler and Kramer should be dismissed.

If the allegations of the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action against Dr. A Dazo and Dr. S Reddy.

¹ Although defendant Holloway was not listed as dismissed within the order clause of the March 23, 2010, order, it was made clear within the body of the order that the only colorable claim for relief was alleged against defendants Dazo and Reddy and any claim against defendant Holloway was expressly dismissed. See Order, filed on March 23, 2010 (docket # 6), pp. 3-4.

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

2 1. Service is appropriate for the following defendants: Dr. A. Dazo and Dr. S.
3 Reddy;

4 2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons,
5 an instruction sheet and a copy of the complaint filed October 23, 2009.

6 3. Within twenty-eight days from the date of this order, plaintiff shall complete
7 the attached Notice of Submission of Documents and submit the following documents to the
8 court:

9 a. The completed Notice of Submission of Documents;

10 b. One completed summons;

11 c. Two completed USM-285 form for each defendant listed in number 1
12 above; and

13 d. Three copies of the endorsed complaint filed October 23, 2009.

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 assign a District Judge in this case.

19 IT IS HEREBY RECOMMENDED that the defendants Holloway, Bradley,
20 Casey, Cardeno, Butler and Kramer be dismissed from this action.

21 These findings and recommendations are submitted to the United States District
22 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
23 days after being served with these findings and recommendations, any party may file written
24 objections with the court and serve a copy on all parties. Such a document should be captioned
25 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
26 shall be served and filed within fourteen days after service of the objections. The parties are

1 advised that failure to file objections within the specified time may waive the right to appeal the
2 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: June 14, 2010

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/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

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GGH:ab:009

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jone2974.srv

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

JULIUS JONES,

Plaintiff,
vs.

No. CIV S-09-2974 GGH P

A. DRAZO, et al.,

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____ /

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

- 1 completed summons form
- 2 completed USM-285 forms
- 3 copies of the October 23, 2009
Complaint

DATED:

Plaintiff