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

AKAL ALLEN,

Plaintiff,

No. CIV S-09-3488 EFB P

vs.

ARAMARK,

Defendant.

ORDER

_____/

Akal Allen, an inmate confined at Deuel Vocational Institute, filed this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff’s complaint concerns events alleged to have occurred while he was incarcerated at the Solano County Jail. In addition to filing a complaint, plaintiff has filed an application to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* E.D. Cal. Local Rules, Appx. A, at (k)(4).

I. Request to Proceed In Forma Pauperis

Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Dckt. No. 2. Plaintiff’s application makes the showing required by 28 U.S.C. § 1915(a)(1) and (2). Accordingly, by separate order, the court directs the agency having custody of plaintiff to collect and forward the appropriate monthly payments for the filing fee as set forth in 28 U.S.C.

1 § 1915(b)(1) and (2).

2 **II. Screening Order**

3 Pursuant to 28 U.S.C. § 1915A, the court shall review “a complaint in a civil action in
4 which a prisoner seeks redress from a governmental entity or officer or employee of a
5 governmental entity.” 28 U.S.C. § 1915A(a). “On review, the court shall identify cognizable
6 claims or dismiss the complaint, or any portion of the complaint, if the complaint (1) is frivolous,
7 malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief
8 from a defendant who is immune from such relief.” *Id.* § 1915A(b).

9 The court finds that, for the limited purposes of § 1915A screening, the complaint states a
10 cognizable claim for relief against defendant.

11 Accordingly, it hereby is ordered that:

12 1. Plaintiff’s request to proceed *in forma pauperis* is granted.

13 2. Plaintiff shall pay the statutory filing fee of \$350. All payments shall be collected in
14 accordance with the notice to the Director of the California Department of Corrections and
15 Rehabilitation filed concurrently herewith.

16 3. Service is appropriate for defendant Aramark.

17 4. The Clerk of the Court shall send plaintiff one USM-285 forms, one summons, an
18 instruction sheet and one copy of the December 17, 2009 complaint.

19 5. Within 30 days from service of this order, plaintiff shall complete the attached Notice
20 of Submission of Documents and submit it to the court with the completed summons and USM-
21 285 form and 2 copies of the endorsed December 17, 2009 complaint.

22 6. Upon receipt of the necessary materials, the court will direct the United States
23 Marshal to serve defendants Aramark pursuant to Federal Rule of Civil Procedure 4 without
24 payment of costs. Failure to comply with this order will result in this action being dismissed.

25 Dated: August 26, 2010.

26 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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

AKAL ALLEN,

Plaintiff,

No. CIV S-09-3488 EFB P

vs.

ARAMARK,

Defendant.

NOTICE OF SUBMISSION OF
OF DOCUMENTS

_____ /

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

- 1 completed summons form
- 1 completed forms USM-285
- 2 copies of the December 17, 2009 Complaint

Dated:

Plaintiff