

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

LEON GRAY,

Plaintiff,

No. CIV S-10-1928 EFB P

vs.

CALIFORNIA DEPT OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

ORDER

_____/

Leon Gray, an inmate, filed this civil rights action under 42 U.S.C. § 1983 through counsel. Plaintiff’s complaint concerns events alleged to have occurred while he was housed at Mule Creek State Prison. On April 27, 2011, the court granted defendants’ motion to dismiss, but granted plaintiff leave to file an amended complaint. On June 3, 2011, plaintiff filed a second amended complaint.


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). “On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief

1 from a defendant who is immune from such relief.” *Id.* § 1915A(b).

2 The court finds that, for the limited purposes of § 1915A screening, the second amended
3 complaint states a cognizable claim for relief against defendant Dage. Accordingly, within 30
4 days of the date of this order, plaintiff shall serve defendant Dage. *See* Fed. R. Civ. P. 4(m) (if
5 defendant is not served within 120 days after the complaint is filed, the court may order that
6 service be made in a specified time). As plaintiff has already had more than adequate time to
7 serve defendant Dage, failure to comply with this order will result in the case being dismissed.

8 Accordingly, it is hereby ORDERED that service is appropriate for defendant Dage.
9 Within 30 days of the date of this order, plaintiff shall serve defendant Dage.

10 Dated: November 8, 2011.

11 
12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26