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

RANDALL W. GRIMES,

Plaintiff,

No. 2:10-cv-2346 JFM (PC)

vs.

FOLSOM STATE PRISONS  
PSYCHIATRIC SERVICES  
UNITS MEDICAL STAFF, DR.  
M. BOBBALLA, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983.

By order filed February 23, 2011, the court ordered the United States Marshall to serve process on five defendants named in plaintiff’s complaint, including Dr. M. Bobbala; Nurse M. Joyce; Chief Psychologist K. Morgan; Warden T. Virga; and Correctional Officer Shearer. On March 3, 2011, plaintiff filed a request for voluntary dismissal of defendants Virga, Morgan and Boballa. Included in that request is a request to add two new defendants to this action. Plaintiff is entitled to amend his complaint once as of right prior to service of a responsive pleading. Plaintiff’s request is not, however, accompanied by a motion to amend the complaint or a proposed amended complaint.

1 Good cause appearing, plaintiff's request to dismiss defendants Virga, Morgan  
2 and Boballa will be granted. Plaintiff will be granted a period of thirty days in which to file a  
3 proposed amended complaint that omits these three defendants, names any new defendants, and  
4 raises all claims on which he seeks to proceed in this action. The court's February 23, 2011 order  
5 directing the United States Marshal to serve process in this action will be vacated. The court will  
6 screen plaintiff's proposed amended complaint pursuant to 28 U.S.C. § 1915A and make such  
7 further orders as are appropriate.

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

9 1. Plaintiff's March 3, 2011 request for voluntary dismissal of defendants Virga,  
10 Morgan and Boballa is granted;

11 2. Defendants Virga, Morgan and Boballa are dismissed from this action pursuant  
12 to Fed. R. Civ. P. 41(a).

13 3. The court's February 23, 2011 order directing the United States Marshal to  
14 serve process on defendants in this action is vacated.

15 4. Plaintiff's complaint is dismissed.

16 5. Within thirty days from the date of this order, plaintiff shall complete the  
17 attached Notice of Amendment and submit the following documents to the court:

18 a. The completed Notice of Amendment; and

19 b. An original and one copy of the Amended Complaint.

20 Plaintiff's amended complaint shall comply with the requirements of the Civil Rights Act, the  
21 Federal Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must  
22 bear the docket number assigned this case and must be labeled "Amended Complaint"; failure to  
23 file an amended complaint in accordance with this order may result in the dismissal of this  
24 action.

25 6. The Clerk of the Court is directed to serve a copy of this order on the United  
26 States Marshal.

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7. The Clerk of the Court is directed to serve a copy of this order on Supervising Deputy Attorney General Monica N. Anderson, 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550

DATED: March 25, 2011.

  
UNITED STATES MAGISTRATE JUDGE

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M. BOBALLA, et al.,

Defendants.

NOTICE OF AMENDMENT

\_\_\_\_\_ /

Plaintiff hereby submits the following document in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff