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

ADAM SHARPE,

Plaintiff,

No. 2:10-cv-2484 JFM (PC)

vs.

HIGH DESERT STATE PRISON,
et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By this order, plaintiff will be assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding month's income credited to plaintiff's prison trust account. These payments will be forwarded by the appropriate agency to the Clerk of the Court

1 each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28
2 U.S.C. § 1915(b)(2).

3 The complaint states a cognizable claim for relief against the named individual
4 defendants pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the
5 complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this
6 action.

7 The court construes plaintiff's complaint as containing a request for injunctive
8 relief in the form of an order requiring defendants to provide plaintiff with eye surgery. In light
9 of the allegations of the complaint, the court will request the California Attorney General to file,
10 within thirty days, an informal response to that request.

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

12 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

13 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action.

14 Plaintiff is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.
15 § 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the
16 Director of the California Department of Corrections and Rehabilitation filed concurrently
17 herewith.

18 3. Service is appropriate for the following defendants: Tom Felker, Warden;
19 Dwight D. Winslow; and Dr. Hlusak.

20 4. The Clerk of the Court shall send plaintiff three USM-285 forms, one
21 summons, an instruction sheet and a copy of the complaint filed September 15, 2010.

22 5. Within thirty days from the date of this order, plaintiff shall complete the
23 attached Notice of Submission of Documents and submit the following documents to the court:

24 a. The completed Notice of Submission of Documents;

25 b. One completed summons;

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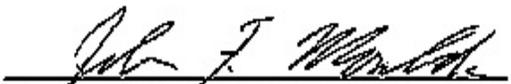
- c. One completed USM-285 form for each defendant listed in number 3 above; and
- d. Four copies of the endorsed complaint filed September 15, 2010.

6. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

7. The court intends to consider plaintiff's request for injunctive relief in the form of an order requiring defendants to provide him with eye surgery and will consider any response submitted by the Office of the California Attorney General within thirty days from the date of this order.

8. The Clerk of the Court is directed to serve a copy of plaintiff's complaint and 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: November 9, 2010.


UNITED STATES MAGISTRATE JUDGE

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

ADAM SHARPE,

Plaintiff,

No. 2:10-cv-2484 JFM (PC)

vs.

HIGH DESERT STATE PRISON,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____ /

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

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____
Complaint

DATED:

Plaintiff