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

CLAUDE YOUNG, III

Plaintiff,

No. CIV S-11-0505 GEB GGH P

vs.

ARAMARK FOOD SERVICE PROVIDER, et al.,

Defendants.

ORDER AND
FINDINGS & RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding pro se who seeks relief pursuant to 42 U.S.C. § 1983. By order on May 4, 2011, the undersigned dismissed plaintiff’s due process claims against all defendants and Eighth Amendment claims against Aramark with twenty-eight days leave to amend. The twenty-eight day period has now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court’s order.

Also in its May 4, 2011 order, the court found that the complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). Specifically, the complaint alleges a sufficiently colorable Eighth Amendment claim against defendants Solano County and the Solano County Sheriff’s Department. If the allegations of the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

\\

1 In accordance with the above, IT IS HEREBY RECOMMENDED that

2 1. Defendant Aramark be dismissed from this action; and

3 2. Plaintiff's due process claims against defendants Solano County and the Solano
4 County Sheriff's Department be dismissed.

5 These findings and recommendations are submitted to the United States District
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
7 days after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
10 shall be served and filed within fourteen days after service of the objections. The parties are
11 advised that failure to file objections within the specified time may waive the right to appeal the
12 District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13 IT IS HEREBY ORDERED that:

14 1. Service is appropriate for the following defendants: Solano County and the
15 Solano County Sheriff's Department.

16 2. The Clerk of the Court shall send plaintiff 2 USM-285 forms, one summons,
17 an instruction sheet and a copy of the complaint filed February 23, 2011.

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

20 a. The completed Notice of Submission of Documents;

21 b. One completed summons;

22 c. One completed USM-285 form for each defendant listed in number 3
23 above; and

24 d. 3 copies of the endorsed complaint filed February 23, 2011.

25 4. Plaintiff need not attempt service on defendants and need not request waiver of
26 service. Upon receipt of the above-described documents, the court will direct the United States

1 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
2 without payment of costs.

3 DATED: October 17, 2011

4 /s/ Gregory G. Hollows
5 UNITED STATES MAGISTRATE JUDGE

6 youn0505.1.new
7 GGH:14

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FOR THE EASTERN DISTRICT OF CALIFORNIA

CLAUDE YOUNG, III

Plaintiff,

No. CIV S-11-0505 GEB GGH P

vs.

ARAMARK FOOD SERVICE PROVIDER, et al.,

Defendants.

NOTICE OF SUBMISSION
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/Amended Complaint

DATED:

Plaintiff