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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY DIAL,
Plaintiff,
v.
SCOTT HEATLEY, et al.,
Defendants.

No. 2:12-cv-2569 AC P

ORDER

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed on September 19, 2013, the court directed the Clerk of Court to send plaintiff four (4) USM-285 forms, one summons, an instruction sheet and a copy of the amended complaint, and directed plaintiff to complete the summons and USM-285 forms and return them with copies of the amended complaint. ECF No. 13. On October 23, 2013, plaintiff notified the court that he had not received the necessary copy of his first amended complaint. ECF No. 18. Because plaintiff subsequently filed a second amended complaint (ECF No. 19), the Clerk of Court was directed to provide plaintiff with a copy of the second amended complaint and one additional USM-285 form for a newly named defendant. ECF No. 20. The court ordered plaintiff to complete and return to the court, within thirty days, all five USM-285 forms and the copies of his second amended complaint which are required to effect service on the defendants. Id. On December 2, 2013, plaintiff submitted the necessary copies of the second amended

1 complaint but only one USM-285 form, which is incomplete, and no summons.

2 Plaintiff now represents that he never received the summons or the first four USM-285
3 forms from the Clerk of Court. ECF No. 23. This assertion directly contradicts plaintiff's
4 October 23rd request. The court will nonetheless permit plaintiff one further opportunity to
5 submit the requisite documentation for service of the second amended complaint. Plaintiff is also
6 cautioned that he must provide an address for each defendant he names on a USM-285 form in
7 order for any defendant to be served.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Clerk of the Court is directed to send plaintiff one blank summons, an instruction
10 sheet, and five (5) USM-285 forms; and

11 2. Within thirty days, plaintiff shall submit to the court the summons and completed
12 USM-285 forms required to effect service on Scott Heatley; Christopher Smith; Lawrence C.
13 Fong; L.D. Zamora and John Casey. Failure to return the documents within the specified time
14 period will result in dismissal of this case.

15 DATED: December 11, 2013

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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