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

CIRON B. SPRINGFIELD,

Plaintiff,

No. 2:13-cv-0809 KJN P

vs.

K. ALLEN, et al.,

ORDER

Defendants.

_____ /

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, and is proceeding 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).

By order filed May 2, 2013, plaintiff was directed to re-file a signed and dated original complaint. On May 13, 2013, plaintiff submitted a signed and dated original complaint. (ECF No. 7 at 3-15.) The Clerk of the Court is directed to separate pages 3 to 15 from plaintiff's May 13, 2013 filing, and docket the signed, original complaint as a separate docket entry, filed May 8, 2013, the operative filing date under the mailbox rule. See Houston v. Lack, 487 U.S. 266, 275-76 (1988) (pro se prisoner filing is dated from the date prisoner delivers it to prison authorities).

1 Defendants are advised that plaintiff initially submitted exhibits to the complaint,
2 which are not appended to the newly-signed complaint, but are a part of the court record for all
3 purposes. (ECF No. 1 at 14-107.)

4 Plaintiff alleges his due process rights were violated in connection with a
5 classification committee hearing held on August 25, 2011, without plaintiff's presence, and he
6 claims he was wrongfully retained in maximum custody pending submission of an insufficient
7 gang validation package. Plaintiff also alleges his due process rights were violated in connection
8 with classification hearings held on January 11, 18, and 25, 2012. Plaintiff further alleges that
9 defendants' decision to retain him in maximum security deprived him of critically needed mental
10 health treatment as ordered on August 3, 2011, in violation of the Eighth Amendment.

11 The complaint states potentially cognizable due process and Eighth Amendment
12 claims for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of
13 the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this
14 action.

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

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

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

18 Plaintiff is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.
19 § 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the
20 Director of the California Department of Corrections and Rehabilitation filed concurrently
21 herewith.

22 3. The Clerk of the Court shall separate pages 3 to 15 from plaintiff's May 13,
23 2013 filing (ECF No. 7), and docket the signed, original complaint (ECF No. 7:3-15) as a
24 separate docket entry, filed May 8, 2013.

25 4. Service is appropriate for the following defendants: K. Allen, V. Singh, and E.
26 Arnold.

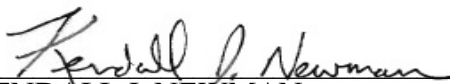
1 5. The Clerk of the Court shall send plaintiff three USM-285 forms, one
2 summons, an instruction sheet and a copy of the complaint filed May 8, 2013.

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

- 5 a. The completed Notice of Submission of Documents;
- 6 b. One completed summons;
- 7 c. One completed USM-285 form for each defendant listed in number 4
- 8 above; and
- 9 d. Four copies of the endorsed complaint filed May 8, 2013.

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

14 DATED: May 22, 2013

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16 
17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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

CIRON B. SPRINGFIELD,

Plaintiff,

No. 2:13-cv-0809 KJN P

vs.

K. ALLEN, 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

DATED:

Plaintiff