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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE RAMNANAN,
Plaintiff,
v.
N. ALI, et al.,
Defendants.

No. 2:14-cv-1441 KJM CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. On October 10, 2014, plaintiff’s complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

After conducting the required screening, the court finds that plaintiff may proceed on a claim arising under the First Amendment against defendant Stewart concerning Stewart’s allegedly retaliatory cell-search occurring on July 31, 2013. Therefore, the court will order that defendant Stewart be served with process. With respect to the other defendants identified in

1 plaintiff's amended complaint, defendants Ali and Rosse, plaintiff's amended complaint fails to
2 state a claim upon which relief can be granted. Plaintiff also alleges they conducted a retaliatory
3 cell search, but plaintiff fails to point to any facts suggesting the search was conducted in
4 retaliation for plaintiff's exercise of any federally protected right.

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

6 1. Service is appropriate for defendant Stewart.

7 2. The Clerk of the Court shall send plaintiff a USM-285 form, a summons, an instruction
8 sheet and a copy of the amended complaint filed November 25, 2014.

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

11 a. The completed Notice of Submission of Documents;

12 b. One completed summons;

13 c. One completed USM-285 form; and

14 d. Two copies of the amended complaint.

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

19 IT IS HEREBY RECOMMENDED that defendants Ali and Rosse be dismissed.

20 These findings and recommendations are submitted to the United States District Judge
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
22 after being served with these findings and recommendations, plaintiff may file written objections
23 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
24 and Recommendations." Plaintiff is advised that failure to file objections within the specified

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1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
2 (9th Cir. 1991).

3 Dated: March 9, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE RAMNANAN,

Plaintiff,

v.

N. ALI, et al.,

Defendants.

No. 2:14-cv-1441 KJM CKD P

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 _____

Amended Complaint

DATED:

Plaintiff