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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS WAYNE MIZE, SR.,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:14-cv-1558 MCE 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. Before the court for screening is plaintiff's second amended complaint. See 28 U.S.C. § 1915A(a). After conducting the required screening, the court finds that plaintiff states viable claims arising under the Eighth Amendment against defendants Tseng, Akintola and Smith to the extent plaintiff alleges they did not provide plaintiff with adequate pain medication. As to the other defendants, plaintiff fails to allege sufficient facts which amount to a claim upon which relief can be granted. Accordingly, the court will order that defendants Tseng, Akintola and Smith be served with process and recommend that all other defendants be dismissed.

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

2 1. Service is appropriate for defendants Tseng, Akintola and Smith.

3 2. The Clerk of the Court shall send plaintiff 3 USM-285 forms, one summons, an  
4 instruction sheet and a copy of the second amended complaint filed April 10, 2015.

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

7 a. The completed Notice of Submission of Documents;

8 b. One completed summons;

9 c. One completed USM-285 form for each defendant listed in number 1 above;

10 and

11 d. Four copies of the endorsed second amended complaint filed April 10, 2015.

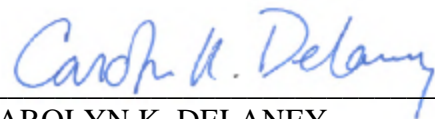
12 4. Plaintiff need not attempt service on defendants and need not request waiver of service.

13 Upon receipt of the above-described documents, the court will direct the United States Marshal to  
14 serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment  
15 of costs.

16 IT IS HEREBY RECOMMENDED that all defendants other than defendants Tseng,  
17 Akintola and Smith be dismissed.

18 These findings and recommendations are submitted to the United States District Judge  
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
20 after being served with these findings and recommendations, plaintiff may file written objections  
21 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
22 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
23 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
24 (9th Cir. 1991).

25 Dated: August 27, 2015



26 CAROLYN K. DELANEY  
27 UNITED STATES MAGISTRATE JUDGE

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:14-cv-1558 MCE 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 \_\_\_\_\_  
Second Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff