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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A. RAMIREZ,
Plaintiff,
v.
H. WIN, et al.,
Defendants.

No. 2:14-cv-1714 TLN CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a California 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 claims arising under the Eighth Amendment against defendants Win and Price for denial of adequate medical care. Accordingly, the court will order service of process upon those defendants. The court will recommend that that all other defendants be dismissed as plaintiff fails

1 to allege facts indicating those defendants were deliberately indifferent to plaintiff's serious
2 medical needs. See Estelle v. Gamble, 429 U.S. 97, 104-05 (1976).

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

4 1. Service is appropriate for defendants Price and Win.

5 2. The Clerk of the Court shall send plaintiff two USM-285 forms, one summons, an
6 instruction sheet and a copy of the amended complaint filed December 4, 2014.

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

9 a. The completed Notice of Submission of Documents;

10 b. One completed summons;

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

12 and

13 d. Three copies of the endorsed amended complaint.

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

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

18 IT IS HEREBY RECOMMENDED that all defendants other than defendants Win and
19 Price 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 12, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A. RAMIREZ,
Plaintiff,
v.
H. WIN, et al.
Defendants.

No. 2:14-cv-1714 TLN 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