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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH DOXIE,

 Plaintiff,

 v.

C. McDONALD, et al.,

 Defendants.

No. 2:14-cv-1977 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 first amended complaint (“FAC”). (ECF No. 12.)

Plaintiff alleges that, in February 2014, he was sent to the medical clinic at California State Prison-Solano to be evaluated because he was suffering flu-like symptoms of vomiting and diarrhea. Defendant McDonald, a Registered Nurse, examined plaintiff and learned of his medical history, including a previous bout of Valley Fever. McDonald “medically ordered Plaintiff rehoused to isolation” instead of contacting the Public Health Nurse, as should have been done under the circumstances. Between February 26 and March 2, 2014, plaintiff was housed in isolation, “which was not a hospital setting . . . [and so] was left without care or treatment for his symptoms.” His condition worsened until he was brought before the Public Health Nurse and treated for dehydration and other symptoms on March 2, 2014. (ECF No. 12 at 3-5.) Defendant

1 Mann was a Supervising Registered Nurse who prepared a response to plaintiff's administrative
2 appeal on this issue. (Id. at 31-32.)

3 Liberally construing the amended complaint, the court concludes that plaintiff states a
4 cognizable claim under 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) as to defendant McDonald.
5 If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to
6 prevail on the merits of this action.

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

8 1. Service is appropriate for the following defendants: C. McDonald.

9 2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, an
10 instruction sheet and a copy of the amended complaint filed October 10, 2014.

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

13 a. The completed Notice of Submission of Documents;

14 b. One completed summons;

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

16 and

17 d. Two copies of the endorsed amended complaint filed October 10, 2014.

18 4. Plaintiff need not attempt service on defendant and need not request waiver of service.

19 Upon receipt of the above-described documents, the court will direct the United States Marshal to
20 serve the above-named defendant pursuant to Federal Rule of Civil Procedure 4 without payment
21 of costs; and

22 5. The Clerk of Court shall assign a district judge to this action.

23 IT IS HEREBY RECOMMENDED that all remaining defendants be dismissed from this
24 action with prejudice.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
27 after being served with these findings and recommendations, plaintiff may file written objections
28 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings

1 and Recommendations." Plaintiff is advised that failure to file objections within the specified
2 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
3 (9th Cir. 1991).

4 Dated: November 21, 2014



5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
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KENNETH DOXIE,
Plaintiff,
v.
C. McDONALD, et al.,
Defendants.

No. 2:14-cv-1977 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 _____

Complaint

DATED:

Plaintiff