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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH GIBBS,
Plaintiff,
v.
MACCOMBER, et al.,
Defendants.

No. 2:15-cv-0061 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. Before the court for screening is plaintiff's 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 Johnson and Prasinos for failure to protect plaintiff from violence and against defendant Prasinos for failure to provide plaintiff adequate medical care. Plaintiff's claims with respect to the other defendants are vague and fail to state a claim upon which relief can be granted. Accordingly, the court will order that defendants Johnson and Prasinos 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 Johnson and Prasinios.

3 2. The Clerk of the Court shall send plaintiff 2 USM-285 forms, one summons, an
4 instruction sheet and a copy of the second amended complaint filed April 17, 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. Three copies of the endorsed second amended complaint filed April 17, 2015.

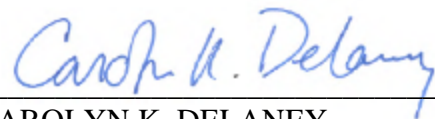
12 4. Plaintiff need not attempt service on defendants and need not request waiver of service.

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 Johnson and
17 Prasinios 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 31, 2015



26 CAROLYN K. DELANEY
27 UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH GIBBS,
Plaintiff,
v.
MACCOMBER, et al.,
Defendants.

No. 2:15-cv-0061 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