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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMY BLUNT,
Plaintiff,
v.
J.S. JOHNSON, et al.,
Defendants.

No. 2:15-cv-0412 WBS CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On June 29, 2015, plaintiff filed an amended complaint. The court has screened the amended complaint as it is required to do under 28 U.S.C. § 1915A(a) and finds as follows:

1. As he did in his original complaint, plaintiff states a viable claim against defendant Johnson for violation of the Eighth Amendment. He also states a viable claim against defendant Johnson for violation of the First Amendment insofar as plaintiff alleges Johnson retaliated against plaintiff for plaintiff's submission of a prisoner grievance.

2. Plaintiff's states a viable claim against defendant Bryant for violation of the Eighth Amendment. Accordingly, the court will order service of process upon defendant Bryant.

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1 3. With respect to plaintiff's remaining claims, plaintiff fails to state a claim upon which
2 relief can be granted. Accordingly, the court will recommend that all defendants identified in
3 plaintiff's amended complaint other than defendants Johnson and Bryant be dismissed.¹

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

5 1. Service is appropriate for defendant Bryant.

6 2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, an
7 instruction sheet and a copy of the complaint.

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

10 a. The completed Notice of Submission of Documents;

11 b. One completed summons;

12 c. One completed USM-285 form; and

13 d. Two copies of the complaint.

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

18 5. Defendant Johnson shall file his response to plaintiff's amended complaint within 14
19 days.

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23 ¹ With respect to the remaining defendants, plaintiff fails to point to any actionable injury. For
24 example, he makes allegations about certain defendants' conduct during prisoner disciplinary
25 proceedings. However, plaintiff was found not guilty of the charges alleged. Also, he complains
26 that he was forced to serve brief stays in segregated housing. However, other than plaintiff's
27 claim that he was assigned to segregated housing as a result of the actions of defendant Johnson
28 in retaliation for exercise of his First Amendment rights, he fails to state a claim upon which
relief can be granted as plaintiff fails to point to facts indicating that he suffered "atypical and
significant hardship" "in relation to the ordinary incidents of prison life" while in segregated
housing. See Sandin v. Conner 515 U.S. 472, 484 (1995).

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IT IS HEREBY RECOMMENDED that all defendants other than defendant Johnson and Bryant be dismissed.

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

Dated: August 20, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
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Plaintiff,

v.

J.S. JOHNSON, et al.,

Defendants.

No. 2:15-cv-0412 WBS 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