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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.L. HOWZE,

Plaintiff,

v.

RICK MALMENDIER, et al.,

Defendants.

No. 2:15-cv-1638 WBS 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. Plaintiff’s first amended complaint is before the court for screening under 28 U.S.C. § 1915A(a). The court has conducted the required screening and finds that “Claim VI” (pages12-13) in the amended complaint is a claim upon which plaintiff may proceed under the First Amendment against defendants Stephens and Steele. Accordingly, the court will order that defendants Stephens and Steele be served with process. With respect to the other claims and defendants identified in plaintiff’s amended complaint, plaintiff’s amended complaint fails to state a claim upon which relief can be granted.¹

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¹ Further, none of the other claims identified in plaintiff’s amended complaint are properly joined with plaintiff’s First Amendment claim as none of the other claims concern defendants Stephens or Steele. See Fed. R. Civ. P. 20.

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

2 1. Service is appropriate for defendants Stephens and Steele.

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

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 amended complaint.

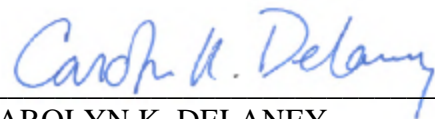
12 4. Plaintiff need not attempt service on defendants and need not request waiver of service.

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 Stephens
17 and Steele 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: March 10, 2016



26 CAROLYN K. DELANEY
27 UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.L. HOWZE,
Plaintiff,
v.
RICK MALMENDIER, et al.,
Defendants.

No. 2:15-cv-1638 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