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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DUANE REED MOORE, SR.,

No. 2:16-CV-2641-CMK

12 Plaintiff,

13 vs.

ORDER

14 ROBERT W. FOX, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a prisoner proceeding with retained counsel, brings this civil rights
18 action pursuant to 42 U.S.C. § 1983.¹ Pending before the court is plaintiff's complaint (Doc. 1).

19 The court is required to screen complaints brought by prisoners seeking relief
20 against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C.
21 § 1915A(a). In this case, plaintiff claims that defendants were deliberately indifferent to his
22 serious medical needs when they failed to provide him a prescribed diet.

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25 ¹ When the case was filed, the matter was docketed as a prisoner civil rights action.
26 Such designation typically attaches to cases in which a prisoner plaintiff is proceeding pro se on a civil rights claims. Because plaintiff is represented by counsel, the Clerk of the Court will be directed to re-designate this matter as a counseled civil action.

1 The complaint appears to state a cognizable claim for relief pursuant to 42 U.S.C.
2 § 1983 and 28 U.S.C. § 1915A(b). If the allegations are proven, plaintiff has a reasonable
3 opportunity to prevail on the merits of this action. The court, therefore, finds that service is
4 appropriate and will direct service by the U.S. Marshal without pre-payment of costs. Plaintiff is
5 informed, however, that this action cannot proceed further until plaintiff complies with this order.
6 Plaintiff is warned that failure to comply with this order may result in dismissal of the action.
7 See Local Rule 110.

8 Pursuant to Eastern District of California Local Rules, this case was not assigned
9 to a District Judge when the case was filed. The parties have not consented to Magistrate Judge
10 jurisdiction and the court now finds that assignment of a District Judge is necessary to properly
11 address the case.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The Clerk of the Court is directed to randomly assign a District Judge and
14 to update the docket to reflect the new case number;

15 2. The Clerk of the Court shall re-designate this matter as a counseled civil
16 action;

17 3. The court authorizes service on the following defendant(s):

18 FOX;

19 THUMSER;

20 ELAM;

21 BICK;

22 CAROLAN;

23 HORGAN;

24 ZAMORA;

25 TEUCCI; and

26 TOCH;

1 4. The Clerk of the Court shall issue a summons in a civil case, the assigned
2 District Judge's new case documents, and as appropriate to the procedures of the assigned
3 District Judge, an order setting this matter for an initial scheduling conference.
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5 DATED: August 7, 2018
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9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE
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