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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD J. BAYSE, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:18-cv-0278 MCE DB P

ORDER

Plaintiffs are state prisoners proceeding through counsel with a civil rights action under 42 U.S.C. § 1983. Plaintiffs paid the filing fee.

Plaintiffs' complaint appears to state a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) against defendants California Department of Corrections and Rehabilitation, J. Clark Kelso, California Correctional Health Care Services, Scott Kernan, and Diana Toche. If plaintiffs prove the allegations of the complaint, plaintiffs have a reasonable opportunity to prevail on the merits of the action. The Clerk of the Court will be directed to issue the appropriate number of summonses to plaintiffs for purposes of service of process. See Fed. R. Civ. P. 4.

Once defendants have been served and responded to the complaint, the court will issue an order setting a status conference.

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

1. The Clerk of the Court is directed to issue and send plaintiff five summonses for defendants California Department of Corrections and Rehabilitation, J. Clark Kelso, California Correctional Health Care Services, Scott Kernan, and Diana Toche.

2. Plaintiff shall complete service of process on the defendants within sixty days from the date of this order.

3. Defendants shall reply to the complaint within the time provided in Fed. R. Civ. P. 12(a).

4. Within eighty days of the filed date of this order, the parties shall file a joint statement of availability for the period of May 15, 2018 through July 31, 2018, including blackout dates when counsel will not be available for a status conference.

Dated: February 9, 2018


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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