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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOE VERNON HAY, JR.,	)	No. C 09-02373 JW (PR)
	)	
Plaintiff,	)	ORDER DIRECTING CLERK TO
	)	REISSUE SUMMONS AS TO
vs.	)	DEFENDANT V. M. SHELTON;
	)	DIRECTING DEFENDANT TO FILE
ROBERT SILLEN, et al.,	)	DISPOSITIVE MOTION OR NOTICE
	)	REGARDING SUCH MOTION
Defendant(s).	)	
_____	)	

Plaintiff, a California inmate, has filed a pro se civil rights action under 42 U.S.C. § 1983 against prison officials at the Correctional Training Facility (“CTF”) in Soledad for allegedly unconstitutional acts. The Court found cognizable claims, when liberally construed, and directed the clerk to prepare the summons for service of the complaint upon Defendants and the United States Marshal to effectuate such service on August 14, 2009. (Docket No. 8.) The summons for Defendant M. Shelton was returned on September 23, 2009, with the remark that “wrong first initial being ‘M’ Shelton...‘V’ Shelton refuses service.” (Docket No. 30.) It appears that Defendant Shelton has not been served with the complaint.

Plaintiff filed a letter with the Court on November 25, 2009, stating that “V. Shelton” and “M. Shelton” are the same individual, *i.e.*, V. M. Shelton.

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Accordingly, the Court will reissue summons to Defendant V. M. Shelton.

**CONCLUSION**

For the reasons stated above, the Court orders as follows:

1. The Clerk of the Court shall reissue summons and the United States Marshal shall serve, without prepayment of fees, a copy of the complaint in this matter, all attachments thereto, a copy of the Court Order filed August 14, 2009, (Docket No. 8), and a copy of this order upon **Defendant Nurse V. M. Shelton at CTF, Soledad.**

The clerk shall correct the Docket to reflect Defendant's full name as V. M. Shelton.

2. Defendant Shelton shall file a motion for summary judgment or other dispositive motion with respect to the claims in the complaint found to be cognizable, and briefing shall proceed thereafter, in accordance with the schedule and instructions set forth in the Court's Order of Service, filed August 14, 2009. (Docket No. 8.)

DATED: December 21, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOE VERNON HAY JR,  
Plaintiff,

Case Number: CV09-02373 JW

**CERTIFICATE OF SERVICE**

v.

ROBERT SILLEN, et al.,  
Defendants.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/23/2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joe Vernon Hay J-92547  
Pitches Detention Center (PDC)  
P. O. Box 86164  
Terminal Annex  
Los Angeles, CA 90086-0164

Dated: 12/23/2009

Richard W. Wieking, Clerk  
/s/By: Elizabeth Garcia, Deputy Clerk