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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DWAYNE QUINEY,

Plaintiff,

vs.

OFFICER RON BROOKS,

Defendant.

Case No. 2:10-cv-01676-KJD-PAL

ORDER

(Am Comp - Dkt #5)

This matter is before the court on Plaintiff's Amended Complaint (Dkt. #5). Previously, the court granted Plaintiff's request to proceed *in forma pauperis* and screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915. The court found Plaintiff's Complaint stated a First Amendment claim, but Plaintiff had failed to state an official capacity claim against Defendant. The court allowed Plaintiff an opportunity to amend his complaint.


Plaintiff filed an Amended Complaint in which he re-alleged his First Amendment claim. For the reasons set forth in the court's Order (Dkt. #2), Plaintiff has stated a valid First Amendment claim against Defendant. Plaintiff has not re-alleged his official capacity claim against Defendant.

Based on the foregoing,

IT IS ORDERED that the Clerk of the Court shall issue Summons to Defendant, and deliver the same to the U.S. Marshal for service. Plaintiff shall have twenty days in which to furnish the U.S. Marshal with the required Form USM-285. Within twenty days after receiving from the U.S. Marshal a copy of the Form USM-285, showing whether service has been accomplished, Plaintiff must file a notice with the court identifying whether defendant was served. If Plaintiff wishes to have service again attempted on an unserved defendant, a motion must be filed with the court identifying the unserved defendant and specifying a more detailed name and/or address for said defendant, or whether

1 some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal Rules of Civil
2 Procedure, service must be accomplished within 120 days from the date this order is entered.

3 Dated this 11th day of July, 2011.

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8 PEGGY A. LEEN
9 UNITED STATES MAGISTRATE JUDGE
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