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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 PETER CASEY CRUZ,

11 Plaintiff,

12 vs.

13 PAMELA AHLIN, et al.,

14 Defendants.
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1:13-cv-00988-LJO-EPG-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST DEFENDANT
HAMRICK ON PLAINTIFF'S FOURTEENTH
AMENDMENT MEDICAL CLAIM, AND
THAT ALL OTHER CLAIMS AND
DEFENDANTS BE DISMISSED

OBJECTIONS, IF ANY, DUE IN 20 DAYS

17 Peter Casey Cruz ("Plaintiff") is a civil detainee proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The case now proceeds on the
19 First Amended Complaint filed by Plaintiff on January 7, 2015. (ECF No. 10.) The First
20 Amended Complaint names defendants Jonathan Hamrick, M.D., Pamela Ahlin, Audrey King,
21 Don Duncan, John Doe 1 (medical director at Coalinga State Hospital ("CSH")), Jane Doe 1
22 (registered nurse at CSH), and Does 2 to 10 (various employees at CSH), and alleges claims for
23 inadequate medical care, and claims under the Americans with Disability Act and the Unruh
24 Act.

25 The Court screened Plaintiff's First Amended Complaint pursuant to 28 U.S.C. § 1915A
26 and found that it states a cognizable medical claim under § 1983 against Jonathan Hamrick,
27 M.D. (ECF No. 12.) On February 11, 2016, Plaintiff was granted leave to either file an
28 amended complaint or notify the court that he is willing to proceed only on the claim found

1 cognizable by the Court. (Id.) On March 17, 2016, Plaintiff filed a notice informing the court
2 that he is willing to proceed only on the cognizable medical claim against defendant Jonathan
3 Hamrick, M.D. (ECF No. 13.)

4 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 5 1. This action proceed only against defendant Jonathan Hamrick, M.D, on
6 Plaintiff's claim for inadequate medical care under the Fourteenth Amendment;
- 7 2. All remaining claims and defendants be dismissed from this action;
- 8 3. Plaintiff's claims under the Americans with Disabilities Act and the Unruh Act
9 be dismissed from this action based on Plaintiff's failure to state a claim; and
- 10 4. Defendants Pamela Ahlin, Audrey King, Don Duncan, John Doe 1 (medical
11 director at Coalinga State Hospital ("CSH")), Jane Doe 1 (registered nurse at
12 CSH), and Does 2 to 10 (various employees at CSH), be dismissed from this
13 action based on Plaintiff's failure to state any claims against them.

14 These Findings and Recommendations will be submitted to the United States District
15 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
16 **twenty (20) days** after being served with these Findings and Recommendations, Plaintiff may
17 file written objections with the Court. The document should be captioned "Objections to
18 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
19 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
20 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
21 (9th Cir. 1991)).

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23 IT IS SO ORDERED.

24 Dated: March 31, 2016

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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