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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 OMAR MALIK JEFFERSON,

12 Plaintiff,

13 vs.

14 R. KNUCKLES, et al.,

15 Defendants.
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1:14-cv-00869-AWI-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST DEFENDANT
KNUCKLES FOR FAILURE TO PROTECT
PLAINTIFF, AND THAT ALL OTHER
CLAIMS AND DEFENDANTS BE
DISMISSED

OBJECTIONS, IF ANY, DUE IN 20 DAYS

18 Omar Malik Jefferson (“Plaintiff”) is a state prisoner proceeding pro se in this civil
19 rights action pursuant to 42 U.S.C. § 1983. The case now proceeds on the original Complaint
20 filed by Plaintiff on May 27, 2014. (ECF No. 1.) The Complaint names as defendants the
21 CDCR, Sergeant R. Knuckles, Sgt. J. Kohler, Correctional Officer (C/O) Gonzalez-Moran, and
22 C/O G. Sandoval, and alleges claims for failure to protect Plaintiff and failure to summon
23 medical assistance, in violation of the Eighth Amendment.

24 The court screened Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915A and found that
25 it states a cognizable claim under § 1983 against Sgt. R. Knuckles, for failure to protect
26 Plaintiff. (ECF No. 9.) On July 21, 2015, Plaintiff was granted leave to either file an amended
27 complaint or notify the court that he is willing to proceed only on the claim found cognizable
28 by the court. (Id.) On July 30, 2015, Plaintiff filed a notice informing the court that he is

1 willing to proceed only on the failure to protect claim against Sgt. R. Knuckles, and wishes to
2 “drop all claims against all other Defendants.” (ECF No. 10.)

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

- 4 1. This action proceed only against defendant Sgt. R. Knuckles, on Plaintiff’s
5 failure to protect claim under the Eighth Amendment;
- 6 2. All remaining claims and defendants be dismissed from this action;
- 7 3. Plaintiff’s claim for failure to summon medical assistance be dismissed for
8 failure to state a claim upon which relief may be granted under § 1983;
- 9 4. Defendants CDCR, Sgt. J. Kohler, C/O Gonzalez-Moran, and C/O G. Sandoval
10 be dismissed from this action based on Plaintiff’s failure to state any claims upon
11 which relief may be granted against them.

12 These Findings and Recommendations will be submitted to the United States District
13 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
14 **twenty (20) days** after being served with these Findings and Recommendations, Plaintiff may
15 file written objections with the Court. The document should be captioned “Objections to
16 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
17 objections within the specified time may waive the right to appeal the District Court’s order.
18 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

19
20 IT IS SO ORDERED.

21 Dated: August 4, 2015

21 /s/ Gary S. Austin
22 UNITED STATES MAGISTRATE JUDGE