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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ALLEN,
 Plaintiff,

 v.

NORM KRAMER, et al.,
 Defendants.

CASE No. 1:15-cv-01609-DAD-MJS (PC)
FINDINGS AND RECOMMENATIONS TO
DISMISS NON-COGNIZABLE CLAIMS
WITH PREJUDICE

(ECF NO. 1)

FOURTEEN-DAY OBJECTION
DEADLINE

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983.

On March 28, 2016, the undersigned screened Plaintiff's complaint and dismissed it with leave to amend for failure to state a claim. On grant of Plaintiff's motion for reconsideration, the undersigned found cognizable a safe conditions claim against Defendants Mayberg, the Fresno County Board of Supervisors, Kramer, and Ahlin. However, the Court concluded that all other claims and Defendants were subject to dismissal.

Plaintiff was informed that he could proceed on his complaint as screened on reconsideration or file an amended complaint. Plaintiff has now submitted his notice of intent to proceed only on the cognizable claims.

Accordingly, IT IS HEREBY RECOMMENDED that:

- 1 1. Plaintiff proceed on his safe conditions claim against Defendants Mayberg,
2 Kramer, Ahlin and the Fresno County Board of Supervisors, and
3 2. All other claims and Defendants be dismissed with prejudice.

4 The findings and recommendations will be submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).
6 Within fourteen (14) days after being served with the findings and recommendations, the
7 parties may file written objections with the Court. The document should be captioned
8 “Objections to Magistrate Judge’s Findings and Recommendations.” A party may
9 respond to another party’s objections by filing a response within fourteen (14) days after
10 being served with a copy of that party’s objections. The parties are advised that failure to
11 file objections within the specified time may result in the waiver of rights on appeal.
12 Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923
13 F.2d 1391, 1394 (9th Cir. 1991)).

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15 IT IS SO ORDERED.

16 Dated: September 22, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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