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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON SORRELLS,

 Plaintiff,

 v.

UNITED STATES MARSHALS
SERVICE et al.,

 Defendants.

No. 1:16-cv-00081-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DIRECTING
SERVICE AS TO DEFENDANTS HORTON
AND MELHOFF, AND DISMISSING ALL
OTHER CLAIMS AND DEFENDANTS

(Doc. Nos. 20, 30, 31)

Plaintiff Shannon Sorrells is a federal prisoner appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff declined to consent to magistrate judge jurisdiction for all purposes, and this matter was therefore referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

On February 12, 2016, the assigned magistrate judge screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and found that it failed to state any cognizable claims for relief. Plaintiff was granted leave to file an amended complaint within thirty days. Plaintiff filed a first amended complaint on April 6, 2016. (Doc. No. 20.) On July 15, 2016, the magistrate judge screened plaintiff’s first amended complaint and found that it stated a cognizable claim only for deliberate indifference to a serious medical need in violation of the Fourteenth Amendment against defendants Horton and Melhoff. (Doc. No. 22.) Plaintiff was granted leave to file a

1 second amended complaint with respect to the other claims he had attempted to present or to
2 notify the court of his intent to proceed on the claim found to be cognizable. (Id.) After receiving
3 an extension of time, on September 6, 2016, plaintiff filed a notice of his intent to proceed only
4 on the claim found to be cognizable in the magistrate judge's July 15, 2016 screening order.
5 (Doc. 30.)

6 Accordingly, on September 8, 2016, and in keeping with the July 15, 2016 screening
7 order, the assigned magistrate judge issued findings and recommendations, recommending that
8 this action proceed against defendants Horton and Melhoff and that the court dismiss all other
9 claims and defendants from the action for failure to state a cognizable claim for relief. (Doc. No.
10 31.) The findings and recommendation was served on plaintiff and contained notice that
11 objections were to be filed within thirty days. (Id.) The thirty day time frame has expired, and no
12 objections were filed.


13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
14 de novo review of this case. Having carefully reviewed the entire file, the court finds the findings
15 and recommendations to be supported by the record and by proper analysis.

16 Based on the foregoing,

- 17 1. The September 8, 2016 findings and recommendations (Doc. No. 31) are adopted in
18 full;
- 19 2. This action shall proceed on plaintiff's claims against defendants Horton and Melhoff
20 for deliberate indifference to a serious medical need in violation of the Fourteenth
21 Amendment;
- 22 3. All other claims and defendants are dismissed from the action for failure to state a
23 cognizable claim for relief; and
- 24 4. The matter is referred back to the magistrate judge for further proceedings including
25 initiation of service of process by the United State Marshals.

26 IT IS SO ORDERED.

27 Dated: November 22, 2016

28 
UNITED STATES DISTRICT JUDGE