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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ELLIOT,

Plaintiff,

No. 2:10-cv-2980 KJN P

vs.

S. READDY, et al.,

Defendants.

ORDER and

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

Pursuant to this court’s screening of plaintiff’s original complaint pursuant to 28 U.S.C. § 1915A(a),<sup>1</sup> the court found that the complaint may state cognizable claims against defendants Fransham, Walker, Readdy, Moumeror, Paramvir, Gabriel, Beck, Liu, Cui, the McHenry Medical Group, Doctors Hospital of Manteca, and Doctor’s Medical Center of Modesto, but did not state a claim against defendants Liau or Purvis. (Dkt. No. 7.) The court gave plaintiff the option of proceeding on his original complaint or filing an amended complaint that added a cognizable claim against defendants Liau and Purvis. Plaintiff chose to proceed on his original complaint, effectively choosing to terminate this action against defendants Liau or Purvis.


\_\_\_\_\_ <sup>1</sup> This matter is before the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B), Local General Order No. 262, and Local Rule 302(c).

1                   Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly  
2 assign a district judge to this case.

3                   In addition, IT IS HEREBY RECOMMENDED that defendants Liao and Purvis  
4 be dismissed without prejudice from this action.

5                   These findings and recommendations are submitted to the United States District  
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days  
7 after being served with these findings and recommendations, plaintiff may file written objections  
8 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings  
9 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
10 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
11 (9th Cir. 1991).

12 DATED: April 6, 2012

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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