

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

SAMUEL ANDERSON,

Plaintiff,

No. 2: 12-cv-0261 MCE KJN P

vs.

MATTHEW TATE, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The undersigned has separately issued an order addressing the second amended complaint filed April 18, 2012. The undersigned found that the second amended complaint stated potentially cognizable claims for relief against defendants Kelso, Swingle, Lee, Hoffman, Stovall, Cummings, Royston, Pearsall and Pomoza. The undersigned ordered service of these defendants.


In that separately issued order, the undersigned further found that plaintiff's second amended complaint did not state cognizable claims against defendants Gower, Terry, Davis, Stati, Lopez, Tate and Wagner. For the reasons stated in that order, the undersigned now recommends dismissal of the claims against these defendants.

///

1 Accordingly, IT IS HEREBY RECOMMENDED that the claims against
2 defendants Gower, Terry, Davis, Stati, Lopez, Tate and Wagner contained in plaintiff's second
3 amended complaint be dismissed.

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

11 DATED: May 30, 2012

12
13
14 
15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

17
18
19
20
21
22
23
24
25
26
16 an261.56