

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  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BRUCE PATRICK HANEY,

Plaintiff,

v.

SALDANA, et al.,

Defendants.

CASE NO. 1:04-cv-05935-AWI-SMS PC

ORDER STRIKING PLAINTIFF’S  
NOTICE OF MOTION AND MOTION  
OF WILLINGNESS TO PROCEED  
ONLY ON COGNIZABLE CLAIMS

(Doc. 75)

Plaintiff, Bruce Patrick Haney (hereinafter “Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 6, 2004. On January 19, 2011, this Court issued Findings and Recommendations recommending, among other things, that the Motion for Summary Judgment filed by Defendants Nelson and Saldana be granted and that the case be closed. (Doc. 72.) The parties were given thirty days from service of the Findings and Recommendations to file objections. (*Id.*) On January 31, 2011, Plaintiff filed a motion requesting a one-hundred twenty (120) day extension of time to file his objections to the Findings and Recommendations. (Doc. 73.) This request was granted such that Plaintiff’s objections, if any, are due by June 21, 2011. (Doc. 74.)

On March 7, 2011, Plaintiff filed a “Notice of Motion, and Motion Notifying Court of Willingness to Proceed only on Cognizable Claims,” stating that he “is willing to proceed only on the cognizable claims described by the District Court as First Amendment violations claims, of retaliation.” (Doc. 75, 1:21-23.) No claims for retaliation under the First Amendment have been found cognizable in this action. Accordingly, Plaintiff’s Notice of Motion, and Motion Notifying

1 Court of Willingness to Proceed only on Cognizable Claims, filed March 7, 2011 (Doc. 75), is  
2 HEREBY STRICKEN FROM THE RECORD IN THIS CASE as non-responsive.

3  
4  
5  
6  
7  
8  
9  
10 IT IS SO ORDERED.

11 Dated: March 9, 2011

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE