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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WILL MOSES PALMER, III,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:06-cv-00512-LJO-BAM PC

ORDER DISMISSING CERTAIN CLAIMS AND  
DEFENDANTS AND REFERRING ACTION  
BACK TO MAGISTRATE

(ECF No. 109)

THIRTY DAY DEADLINE

Plaintiff Will Moses, Palmer, III (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2012, the Magistrate screened Plaintiff’s second amended complaint, and found it stated a claim against Defendants Lopez, Jordnt, and Bardonnex for retaliation and denial of access to the courts in violation of the First Amendment, but does not state any other claims for relief under section 1983. 28 U.S.C. § 1915A. Plaintiff was ordered to either file an amended complaint or notify the Court of his willingness to proceed only on the claims found to be cognizable. On June 22, 2012, Plaintiff filed a notice stating that he does not wish to amend and is willing to proceed only on his cognizable First Amendment claims.

Accordingly, based on Plaintiff’s notice, it is HEREBY ORDERED that:

1. This action shall proceed as one for money damages against Defendants Lopez, Jordnt, and Bardonnex for retaliation and denial of access to the courts in violation of the First Amendment;
2. Plaintiff’s retaliation claim against Defendant Munoz is dismissed, with prejudice, for failure to state a claim;

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- 3. Plaintiff's claims based upon the damage to his television set, and claims for declaratory and injunctive relief are dismissed, with prejudice;
- 4. Within thirty days from the date of service of this order, Defendants Jordnt and Bardonnex shall file an answer to the second amended complaint or other responsive pleading; and
- 5. This action is referred back to the Magistrate Judge.

IT IS SO ORDERED.

**Dated: June 23, 2012**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE