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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RONNIE O. BROWN,  
Plaintiff,

CASE NO. 1:08-cv-01252-WMW PC  
ORDER DISMISSING PARTIES

v.

SUSAN HUBBARD, et al.,  
Defendants.

\_\_\_\_\_/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the exercise of jurisdiction by the Magistrate Judge pursuant to 28 U.S.C. § 636(c). Plaintiff filed this action on August 25, 2008. On March 13, 2009, the Court issued an order finding that Plaintiff’s complaint states a cognizable claims against Defendant Phillips for interfering with access to the courts, but does not state a cognizable claim against Defendants Hubbard, Cook and Hense. The Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on the claims found to be cognizable. On April 13, 2009, Plaintiff notified the Court that he does not wish to amend and is willing to proceed on the claims found cognizable. Based on Plaintiff’s notice, this order now issues. See Noll v. Carlson, 809 F. 2d 1446, 1448 (9<sup>th</sup> Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to amend prior to dismissing for failure to state a claim).

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff’s due process, medical treatment and Americans With Disabilities Act

1 (ADA) claims are dismissed.

2 2. Defendants Susan Hubbard, G. Cook and Lydia Hense are dismissed.

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4 IT IS SO ORDERED.

5 **Dated: May 1, 2009**

**/s/ William M. Wunderlich**  
UNITED STATES MAGISTRATE JUDGE

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