

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON, 1:09-cv-00205-YNP GSA (PC)
Plaintiff, ORDER DISMISSING CLAIMS
v.
DERRAL ADAMS, 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 magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1). On June 17, 2009, the Court issued an order finding that Plaintiff's complaint states cognizable claims against Defendants Baer, Valdez, Buenos, Lee, Ponce, Purvis, Adams, Junious, Da Viaga, and Callow, but does not state a cognizable claim on Plaintiff's supervisory liability and Fourteenth Amendment claims.. 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 June 26, 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 (9th 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 Plaintiff's Fourteenth Amendment and supervisory liability claims are dismissed.

IT IS SO ORDERED.

Dated: July 30, 2009 /s/ **Gary S. Austin**

UNITED STATES MAGISTRATE JUDGE

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