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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RODNEY L. SHORT,

Plaintiff,

v.

JOHN SANZBERRO, et al.,

Defendants.

CASE NO. 1:09-cv-00996-OWW-GSA PC

ORDER DISMISSING CERTAIN CLAIMS
AND DEFENDANTS, AND REFERRING
MATTER BACK TO MAGISTRATE JUDGE
TO INITIATE SERVICE OF PROCESS

(Docs. 14, 16, and 17)

Plaintiff Rodney L. Short, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 9, 2009. On December 18, 2009, the Magistrate Judge screened Plaintiff’s amended complaint, and found that it states a cognizable excessive force claim against Defendants Sanzberro, Grijalva, and Roggencamp arising from the April 29, 2009, incident, and a cognizable due process claim against Defendants Sanzberro, Grijalva, Kowall, Roggencamp, and Gill for forcibly medicating Plaintiff, but does not state any other claims for relief under section 1983. 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff was ordered to either file a second amended complaint or notify the Court of his willingness to proceed only on the claims found to be cognizable. On February 1, 2010, Plaintiff filed a notice stating that he is willing to proceed only on the claims found to be cognizable.

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

1. This action shall proceed on Plaintiff’s amended complaint against Defendants Sanzberro, Grijalva, and Roggencamp for use of excessive force arising from the April 29, 2009, incident, and against Defendants Sanzberro, Grijalva, Kowall,

1 Roggencamp, and Gill for denial of due process arising from the forcible medication
2 of Plaintiff;

3 2. Plaintiff's Fourth Amendment strip search claim, Fourteenth Amendment equal
4 protection claim, conspiracy claims, and First Amendment retaliation claim are
5 dismissed for failure to state a claim; and

6 3. This matter is referred back to the Magistrate Judge to initiate service of process
7 proceedings.

8
9 IT IS SO ORDERED.

10 **Dated:** February 5, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE