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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERALD A. WEST,	CASE NO. 1:09-cv-01277-LJO-GBC PC
Plaintiff,	ORDER DISMISSING CERTAIN CLAIMS,
v.	AND REFERRING MATTER BACK TO
	MAGISTRATE JUDGE TO INITIATE
	SERVICE OF PROCESS
FEDERAL BUREAU OF PRISONS, et al.,	(ECF Nos. 25, 27)
Defendants.	

Plaintiff Gerald A. West (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. Plaintiff filed this action on July 22, 2009. A [third amended complaint](#) was filed on August 27, 2010. (ECF No. 25.) On December 30, 2010, the Magistrate Judge screened Plaintiff’s third amended complaint, and found that it states a claim against three unknown Defendants Doe 1, Doe 2, and Doe 3 for failure to protect in violation of the Eighth Amendment, but does not state any other claims for relief under section 1983. 28 U.S.C. § 1915A. [Findings and recommendations](#) were issued giving Plaintiff thirty days in which to file objections. (ECF No. 27.) More than thirty days have passed and no objections have been filed.

Accordingly, it is HEREBY ORDERED that:

1. This action shall proceed on the third amended complaint, filed August 27, 2010, against Defendants Doe 1, Doe 2, and Doe 3 for failure to protect in violation of the Eighth Amendment;

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- 2. Plaintiff's claims against Defendants in their official capacities are dismissed for failure to state a claim; and
- 3. This matter is referred back to the Magistrate Judge to initiate service of process proceedings.

IT IS SO ORDERED.

Dated: February 15, 2011

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