

1 September 29, 2011, Plaintiff filed written notice to the Court that he wishes to proceed only on the
2 claims found cognizable by the Court. (Doc. 21.)

3 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 4 1. This action proceed only against defendant Dr. Duenas, for inadequate medical care in
5 violation of the Eighth Amendment;
- 6 2. All remaining claims and defendants be dismissed from this action;
- 7 3. Plaintiff's claims against defendants Dr. Felix Igbinosa, Nurse Kratts, and Nurse Adonis
8 be dismissed from this action based on Plaintiff's failure to state any claims upon which
9 relief may be granted against them; and
- 10 4. Plaintiff's Valley Fever claims be dismissed for failure to state a claim upon which relief
11 may be granted under section 1983.

12 These Findings and Recommendations will be submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty (30) days
14 after being served with these Findings and Recommendations, any party may file written objections with
15 the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
16 Recommendations." Replies to the objections shall be served and filed within ten (10) days after service
17 of the objections. The Court will then review the Magistrate Judge's ruling pursuant to 28 U.S.C. § 636
18 (b)(1)(C). The parties are advised that failure to file objections within the specified time may waive the
19 right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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IT IS SO ORDERED.

Dated: October 3, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE