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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS THOMAS AMPS,

CASE NO. 1:10-cv-00395-AWI-SKO PC

Plaintiff,

ORDER DISMISSING CERTAIN CLAIMS
AND DEFENDANTS FOLLOWING RECEIPT
OF PLAINTIFF'S NOTICE OF WILLINGNESS
TO PROCEED ONLY ON COGNIZABLE
EIGHTH AMENDMENT CLAIM AGAINST
DEFENDANTS AYON AND PELAYO

v.

J. AYON, et al.,

Defendants.

(Docs. 1, 8 and 9)

_____ /

Plaintiff Louis Thomas Amps, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1985 on March 8, 2010. On May 13, 2011, the Magistrate Judge screened Plaintiff's complaint and found that it stated an Eighth Amendment claim against Defendants Ayon and Pelayo for failing to protect him, but it did not state a claim based on the failure of Defendants to investigate the attack on Plaintiff, a substantive due process claim, an equal protection claim, a section 1985 claim, or a First Amendment claim, and it did not state any claims against Defendants Escalante, Wiles, Manion, Ramirez, and Does 1 through 35. 28 U.S.C. § 1915A. Plaintiff was ordered to either file an amended complaint or notify the Court of his willingness to proceed only on his Eighth Amendment claim against Defendants Ayon and Pelayo. On May 25, 2011, Plaintiff notified the Court that he is willing to proceed only against Defendants Ayon and Pelayo.

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1 Accordingly, pursuant to 28 U.S.C. § 1915A, the Magistrate Judge's screening order, and
2 Plaintiff's notice of willingness to proceed only on his cognizable claim, it is HEREBY ORDERED
3 that:

- 4 1. This action for damages shall proceed on Plaintiff's complaint, filed March 8, 2010,
5 against Defendants Ayon and Pelayo for failing to protect Plaintiff, in violation of the
6 Eighth Amendment;
- 7 2. Plaintiff's claim for failure to investigate, substantive due process claim, equal
8 protection claim, section 1985 claim, First Amendment claim, and claim for
9 equitable relief are dismissed for failure to state a claim; and
- 10 3. Defendants Escalante, Wiles, Manion, Ramirez, and Does 1 through 35 are dismissed
11 based on Plaintiff's failure to state any claims against them.

12
13 IT IS SO ORDERED.

14 Dated: June 2, 2011



CHIEF UNITED STATES DISTRICT JUDGE