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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LEONARD RANSOM, JR.,)	CASE NO. 1:10-cv-00397 GSA PC
)	
Plaintiff,)	ORDER DISMISSING CLAIMS AND
)	DEFENDANTS
v.)	
)	
C/O R. NUNEZ, 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 magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c).

This action proceeds on the June 29, 2012, first amended complaint. On July 18, 2012, the Court issued an order finding that Plaintiff's first amended complaint states cognizable claims against Defendants Saul Ochoa, Gina Marquez, Ralph Nunez, R. Marquez, Daniel Nava and M. Amador for excessive force and against Defendants R. Marquez, Daniel Nava, Sgt. Ybarra and Lt. Sandoval for failure to protect Plaintiff. The Court noted that the first amended complaint did not state a cognizable claim regarding Plaintiff's disciplinary process or any other defendants. 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 July 30, 2012, 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)

1 (prisoner must be given notice of deficiencies and opportunity to amend prior to dismissing for
2 failure to state a claim).

3 Further, on August 3, 2012, Plaintiff filed a document titled as a “motion to delete
4 defendants.” Plaintiff seeks to voluntarily dismiss Defendants Tyson, Lunsford, Gonzalez, Gina
5 Marquez and Saul Ochoa. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) (i), Plaintiff may
6 dismiss a party on his own motion so long as an answer or motion for summary judgment has not
7 been filed by. No appearance has been made by any defendant, and no response has been filed.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. Plaintiff’s claim regarding his disciplinary process is dismissed.
- 10 2. Defendants Daniel Gonzalez and Sergeant Ybarra are dismissed for Plaintiff’s
11 failure to state any claims against them.
- 12 3. Defendants Saul Ochoa, Harold Tyson, Eric Lunsford, Daniel Gonzalez and Gina
13 Marquez are dismissed without prejudice on Plaintiff’s motion.

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17 IT IS SO ORDERED.

18 **Dated: August 8, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE