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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

1:10-cv-0803-AWI-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART AND
DISMISSING CERTAIN CLAIMS AND
DEFENDANTS

v.

MATHEW CATE, et al.,

(ECF No. 20)

Defendants.

_____ /

Plaintiff Garrison S. Johnson (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 25, 2012, the Magistrate Judge filed a Findings and Recommendations, recommending dismissal of certain of Plaintiff’s claims and Defendants. (ECF No. 20.) Plaintiff has filed objections to the Findings and Recommendations, in which he requests that the Court dismiss Defendants Cate and Kern County from this action without prejudice. (ECF No. 21.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, this Court has conducted a de novo review of this case. After reviewing Plaintiff’s objections, the Court finds that they have merit and will dismiss these claims and Defendants without prejudice.

At this time, the court will not prohibit Plaintiff from the possibility of amending the complaint if future discovery links other Defendants to the causes of action.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed May 25, 2012, are adopted in part;
- 3 2. Plaintiff may proceed on his Eighth Amendment and negligence claims against
- 4 Defendant Harrington;
- 5 3. Plaintiff's claims against Defendants Cate and Kern County are dismissed without
- 6 prejudice; and
- 7 4. Defendants Cate and Kern County are dismissed from this action without prejudice.

8 IT IS SO ORDERED.

9 Dated: August 20, 2012


 CHIEF UNITED STATES DISTRICT JUDGE