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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 MARK AGNES,

CASE NO. 1:10-cv-00807-OWW-GBC (PC)

10 Plaintiff,

ORDER DISMISSING CLAIMS FOUND TO  
BE NOT COGNIZABLE, AND  
DEFENDANTS ASSOCIATED WITH SUCH  
CLAIMS

11 v.

12 NURSE JOSEPH, et al.,

13 Defendants.  
14

ORDER

15 Mark Agnes ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis  
16 in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 10,  
17 2010. (ECF No. 1.) Pursuant to 28 U.S.C. § 1915A, the Court screened Plaintiff's  
18 Complaint on April 28, 2011, and found that Plaintiff only stated cognizable claims against  
19 Defendants Joseph and Dixon for violations under the Eighth Amendment. (ECF No. 11.)  
20 The Court ordered Plaintiff to either cure the deficiencies highlighted in his Complaint  
21 through another amendment or notify the Court of his willingness to proceed on the  
22 cognizable claims. (Id.) On May 17, 2011, Plaintiff gave notice of his willingness to  
23 proceed on the cognizable deliberate indifference to a serious medical need claim against  
24 Defendants Joseph and Dixon. (ECF No. 12.)

25 For the reasons stated above, it is HEREBY ORDERED that:

- 26 1. Action to proceed on Plaintiff's Eighth Amendment deliberate indifference to  
27 serious medical need claim against Defendants Joseph and Dixon;  
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1           2.     All claims, other than the Eighth Amendment Claim against Defendants  
2                   Joseph and Dixon, are DISMISSED; and

3           3.     Defendants Aye and Wasco State Prison Medical Service are DISMISSED.

4 IT IS SO ORDERED.

5 **Dated: May 20, 2011**

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE