

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK AGNES, Plaintiff,  
v.  
NURSE JOSEPH, et al., Defendants.

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

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

## ORDER

Mark Agnes (“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 filed this action on May 10, 2010. (ECF No. 1.) Pursuant to 28 U.S.C. § 1915A, the Court screened Plaintiff’s Complaint on April 28, 2011, and found that Plaintiff only stated cognizable claims against Defendants Joseph and Dixon for violations under the Eighth Amendment. (ECF No. 11.) The Court ordered Plaintiff to either cure the deficiencies highlighted in his Complaint through another amendment or notify the Court of his willingness to proceed on the cognizable claims. (Id.) On May 17, 2011, Plaintiff gave notice of his willingness to proceed on the cognizable deliberate indifference to a serious medical need claim against Defendants Joseph and Dixon. (ECF No. 12.)

For the reasons stated above, it is HEREBY ORDERED that

1. Action to proceed on Plaintiff's Eighth Amendment deliberate indifference to serious medical need claim against Defendants Joseph and Dixon;

2. All claims, other than the Eighth Amendment Claim against Defendants Joseph and Dixon, are DISMISSED; and
3. Defendants Aye and Wasco State Prison Medical Service are DISMISSED.

IT IS SO ORDERED.

Dated: May 20, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE