

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM SUTHERLAND, CASE NO. 1:10-cv-01767-OWW-GBC (PC)

Plaintiff,
v.
ENDERWOOD,
Defendant.

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

Defendant.

ORDER

William Sutherland (“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 September 27, 2010. (ECF No. 1.) Pursuant to 28 U.S.C. § 1915A, the Court screened Plaintiff’s Complaint on June 17, 2011, and found that Plaintiff only stated cognizable claims against Defendant Underwood for violations under the Eighth Amendment. (ECF No. 9.) 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 June 28, 2011, Plaintiff gave notice of his willingness to proceed on the cognizable Eighth Amendment claim against Defendant Underwood. (ECF No. 10.)

For the reasons stated above, it is HEREBY ORDERED that

1. Action to proceed on Plaintiff's Eighth Amendment deliberate indifference claim against Defendant Underwood;

2. All claims, other than the Eighth Amendment Claim against Defendant Underwood, are DISMISSED; and
3. Defendant Does are DISMISSED.

IT IS SO ORDERED.

Dated: July 5, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE