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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 WILLIAM SUTHERLAND,

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

10 Plaintiff,

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

11 v.

12 M. UNDERWOOD,

13 Defendant.
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ORDER

15 William Sutherland ("Plaintiff") is a state prisoner proceeding pro se and in forma
16 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action
17 on September 27, 2010. (ECF No. 1.) Pursuant to 28 U.S.C. § 1915A, the Court screened
18 Plaintiff's Complaint on June 17, 2011, and found that Plaintiff only stated cognizable
19 claims against Defendant Underwood for violations under the Eighth Amendment. (ECF
20 No. 9.) The Court ordered Plaintiff to either cure the deficiencies highlighted in his
21 Complaint through another amendment or notify the Court of his willingness to proceed on
22 the cognizable claims. (*Id.*) On June 28, 2011, Plaintiff gave notice of his willingness to
23 proceed on the cognizable Eighth Amendment claim against Defendant Underwood. (ECF
24 No. 10.)

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

- 26 1. Action to proceed on Plaintiff's Eighth Amendment deliberate indifference
27 claim against Defendant Underwood;
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- 1 2. All claims, other than the Eighth Amendment Claim against Defendant
2 Underwood, are DISMISSED; and
3 3. Defendant Does are DISMISSED.

4 IT IS SO ORDERED.

5 **Dated: July 5, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE