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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PAUL C. HAMILTON,  
  
Plaintiff,

v.

J.A. YATES, et al.,  
  
Defendants.

1:10-cv-01925-LJO-MJS (PC)  
  
FINDINGS AND RECOMMENDATIONS  
FOR DISMISSAL OF CERTAIN OF  
PLAINTIFF'S CLAIMS AND DEFENDANTS  
  
(ECF Nos. 21 & 22)

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Plaintiff Paul C. Hamilton ("Plaintiff") is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983.

On August 31, 2011, after reviewing Plaintiff's Complaint, the Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on his Eighth Amendment conditions of confinement claim against Defendants Mattingly, Trimble, Spearman, and Yates. (ECF No. 21.) On September 10, 2012, Plaintiff notified the Court of his willingness to forgo an amended complaint and proceed with his cognizable conditions of confinement claim. (ECF No. 21.)

Accordingly, all claims in Plaintiffs First Amended Complaint except for his Eighth Amendment conditions of confinement claim against Defendants Mattingly, Trimble, Spearman, and Yates should now be dismissed.

1 The Court hereby RECOMMENDS that Plaintiff's Fourteenth Amendment equal  
2 protection claim be DISMISSED.

3 These Findings and Recommendations are submitted to the United States District  
4 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).  
5 Within fourteen (14) days after being served with these Findings and Recommendations,  
6 any party may file written objections with the Court and serve a copy on all parties. Such  
7 a document should be captioned "Objections to Magistrate Judge's Findings and  
8 Recommendations." The parties are advised that failure to file objections within the  
9 specified time may waive the right to appeal the District Court's order. Martinez v. Y1 st,  
10 951 F.2d 1153 (9th Cir. 1991).

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14 IT IS SO ORDERED.

15 Dated: October 4, 2012

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE