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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 ANTHONY CHAVARRIA,

11 Plaintiff,

12 vs.

13 P. A. GREEN, et al.,

14 Defendants.
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1:10-cv-02324-LJO-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST DEFENDANTS
DUENAS, GREEN, AND WILSON, ON
PLAINTIFF'S EIGHTH AMENDMENT
MEDICAL CLAIMS, AND THAT ALL
OTHER CLAIMS AND DEFENDANTS BE
DISMISSED

OBJECTIONS, IF ANY, DUE IN 30 DAYS

17 Anthony Chavarria ("Plaintiff") is a state prisoner proceeding pro se and in forma
18 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The case now proceeds on the
19 original Complaint filed by Plaintiff on December 14, 2010. (Doc. 1.) The Complaint names
20 Dr. Duenas, Dr. Igbinsosa, and Physician's Assistants (PA) Green and Wilson as defendants,
21 and alleges claims for inadequate medical care under the Eighth Amendment.

22 The court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915A and found that
23 it states cognizable medical claims under § 1983 against Dr. Duenas, Green (PA), and Wilson
24 (PA). (Doc. 10.) On November 13, 2013, Plaintiff was granted leave to either file an amended
25 complaint or notify the court that he is willing to proceed only on the claims found cognizable
26 by the court. (Id.) On December 2, 2013, Plaintiff filed a notice informing the court that he is
27 willing to proceed only on the cognizable Eighth Amendment medical claims, against
28 defendants Green, Wilson, and Duenas. (Doc. 11.)

1 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 2 1. This action proceed only against defendants Dr. Duenas and Physician's
3 Assistants Green and Wilson, on Plaintiff's claims for inadequate medical care
4 under the Eighth Amendment;
- 5 2. All remaining claims and defendants be dismissed from this action; and
- 6 3. Defendant Dr. Igbinosa be dismissed from this action based on Plaintiff's failure
7 to state any claims upon which relief may be granted against him.

8 These Findings and Recommendations will be submitted to the United States District
9 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
10 thirty (30) days after being served with these Findings and Recommendations, Plaintiff may file
11 written objections with the Court. The document should be captioned "Objections to
12 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
13 objections within the specified time may waive the right to appeal the District Court's order.
14 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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18 IT IS SO ORDERED.

19 Dated: December 4, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE