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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

QUILLIE L. HARVEY,

Plaintiff,

v.

A. AYALA, et al.,

Defendants.

1:10-cv-02343-MJS (PC)

ORDER DISMISSING CERTAIN OF
PLAINTIFF'S CLAIMS AND DEFENDANTS

(ECF Nos. 11 & 12)

_____ /

Plaintiff Quillie L. Harvey ("Plaintiff") is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the Magistrate Judge handling all matters in this action. (ECF No. 4.)

On December 22, 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 excessive force claim against Defendants Ayala and Martinez. (ECF No. 11.) On January 19, 2012, Plaintiff notified the Court of his willingness to forgo an amended complaint and proceed with his cognizable excessive force claim. (ECF No. 12.)

Accordingly, all claims in Plaintiff's Complaint except for his excessive force claim against Defendants Ayala and Martinez should now be dismissed. The Court hereby ORDERS the following:

- 1 1. Defendants Villanueva, Gresham, Covey, and Swenson are DISMISSED
- 2 from this action; and
- 3 2. Plaintiff's claim for due process violations under the Fourteenth Amendment
- 4 is DISMISSED without prejudice.

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7 IT IS SO ORDERED.

8 Dated: February 29, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE