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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

Plaintiff,

v.

CATE, et al.,

Defendants.

CASE NO. 1:10-CV-02348-LJO-MJS (PC)

FINDINGS AND RECOMMENDATIONS
FOR DISMISSAL OF CERTAIN CLAIMS
AND DEFENDANTS

(ECF NOS. 8, 9 & 10)

OBJECTIONS DUE WITHIN FOURTEEN
(14) DAYS

I. INTRODUCTION

Plaintiff Garrison S. Johnson, a state prisoner proceeding pro se filed this civil rights action pursuant to 42 U.S.C. § 1983. (Compl., ECF No. 1.) Plaintiff has declined Magistrate Judge jurisdiction. (Request for Reassignment, ECF No. 3.)

The Court screened Plaintiff's First Amended Complaint (First Am. Compl., ECF No. 8), and ordered him to either file an amended complaint or notify the Court of his willingness to proceed only on his cognizable Fourteenth Amendment equal protection claim against Defendant Doran. (Order Requiring Plaintiff Amend or Notify, ECF No. 9.) Plaintiff has notified the Court of his willingness to proceed only on the equal protection claim against Defendant Doran. (Notice, ECF No. 10.)

Accordingly, all claims in Plaintiff's First Amended Complaint except for his

1 Fourteenth Amendment equal protection claim against Defendant Doran should now be
2 dismissed. All of the Defendants named in this action except for Defendant Doran should
3 also now be dismissed.

4 **II. ANALYSIS**

5 The Court is required to screen complaints brought by prisoners seeking relief
6 against a governmental entity or officer or employee of a governmental entity. 28 U.S.C.
7 § 1915(A)(a). The Court must dismiss a complaint or portion thereof if the prisoner has
8 raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which
9 relief may be granted, or that seek monetary relief from a defendant who is immune from
10 such relief. 28 U.S.C. § 1915(A)(b)(1),(2).

11 The Court reviewed Plaintiff’s First Amended Complaint pursuant to this statute and
12 found a cognizable Fourteenth Amendment equal protection claim against Defendant
13 Doran. (Order Requiring Plaintiff Amend or Notify.) Plaintiff failed to state any other
14 cognizable claim. (Id.)

15 Accordingly, Plaintiff’s other claims and all other Defendants should now be
16 dismissed.

17 **III. CONCLUSION AND RECOMMENDATIONS**

18 Plaintiff’s First Amended Complaint, except for the Fourteenth Amendment equal
19 protection claim against Defendant Doran should now be dismissed. All of the Defendants
20 named in this action except for Defendant Doran should also now be dismissed.

21 Accordingly, it is **RECOMMENDED** that Plaintiff’s First Amended Complaint, except
22 for the Fourteenth Amendment equal protection claim against Defendant Doran should now
23 be dismissed and that Defendants Cate, Foston, Harrington, Biter,¹ and Lawless should also
24 now be dismissed with prejudice by the District Judge.

25 These Findings and Recommendations are submitted to the United States District
26 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).

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28 ¹ Variouslly “Bitner” in the docket.

1 Within fourteen (14) days after being served with these Findings and Recommendations,
2 any party may file written objections with the Court and serve a copy on all parties. Such a
3 document should be captioned "Objections to Magistrate Judge's Findings and
4 Recommendations." Any reply to the objections shall be served and filed within ten (10)
5 days after service of the objections. The parties are advised that failure to file objections
6 within the specified time may waive the right to appeal the District Court's order. *Martinez*
7 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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9 IT IS SO ORDERED.

10 Dated: June 2, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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