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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ABDELKADER MORCELI,

Plaintiff,

v.

W. MEYERS, et al.,

Defendants.

CASE NO. 1:11-cv-00685-AWI-BAM PC

ORDER DISMISSING CERTAIN CLAIMS
AND DEFENDANTS, AND REFERRING
MATTER BACK TO MAGISTRATE JUDGE
TO INITIATE SERVICE OF PROCESS

(ECF Nos. 1, 10, 23)

Plaintiff Abdelkader Morceli is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 10, 2012, the Magistrate Judge screened Plaintiff’s complaint, and found that it states a claim against Defendant Meyers for violation of the Free Exercise Clause of the First Amendment and Equal Protection in violation of the Fourteenth Amendment, but does not state any other claims for relief under section 1983. 28 U.S.C. § 1915A. Plaintiff was ordered to either file an amended complaint or notify the Court of his willingness to proceed only on the claim found to be cognizable. On September 6, 2012, Plaintiff filed a motion stating that he does not wish to amend and is willing to proceed only on the claims found to be cognizable.

Accordingly, based on Plaintiff’s notice, it is HEREBY ORDERED that:

1. This action shall proceed on the complaint, filed April 29, 2011, against Defendant Meyers for violation of the Free Exercise Clause of the First Amendment and Equal Protection in violation of the Fourteenth Amendment;
2. Defendants James A. Yates, J. A. Fogel, R. Fisher, Jr., and D. R. Foreman are

1 dismissed from this action based on Plaintiff 's failure to state any claims against
2 them;

3 3. Plaintiff's official capacity claims are dismissed for failure to state a claim; and

4 4. This matter is referred back to the Magistrate Judge to initiate service of process
5 proceedings.

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8 IT IS SO ORDERED.

9 Dated: September 14, 2012


10 CHIEF UNITED STATES DISTRICT JUDGE