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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY NGUYEN,

CASE NO. 1:11-cv-00809-AWI-SKO PC

Plaintiff,

ORDER DISMISSING DEFENDANTS
ADAMS, TARNOFF, POOL, AND FOSTON,
AND REFERRING MATTER BACK TO
MAGISTRATE JUDGE TO INITIATE
SERVICE OF PROCESS AGAINST
DEFENDANT BITER

v.

M. D. BITER, et al.,

Defendants.

(Doc. 36)

Plaintiff Anthony Nguyen, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 18, 2011. Plaintiff, who is incarcerated at Kern Valley State Prison, alleges that the water at the prison is contaminated with arsenic.

In an order filed on October 11, 2011, the Court screened Plaintiff's complaint and found that it stated an Eighth Amendment claim against Defendant Biter, but it failed to state a claim against Defendants Adams, Tarnoff, Pool, and Foston. 28 U.S.C. § 1915A(a). Plaintiff was ordered to either file an amended complaint or notify the Court of his willingness to proceed only on his claim against Defendant Biter.

On October 27, 2011, Plaintiff filed a notice in which he requested to proceed only on his cognizable claim against Defendant Biter without filing an amended complaint. Accordingly, it is **HEREBY ORDERED** that:

- 1. This action shall proceed against Defendant Biter on Plaintiff's Eighth Amendment water contamination claim;

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2. Defendants Adams, Tarnoff, Pool, and Foston are dismissed from this action based on Plaintiff's failure to state a claim against them; and

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

IT IS SO ORDERED.

Dated: October 28, 2011



CHIEF UNITED STATES DISTRICT JUDGE