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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARNELL DUKES,)	1:12cv00941 DLB PC
)	
Plaintiff,)	ORDER DISMISSING CERTAIN
)	CLAIMS AND DEFENDANTS
vs.)	
)	
K. HARRINGTON, et al.,)	
)	
Defendants.)	

Plaintiff Darnell Duker (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. Plaintiff filed this action on June 11, 2012.¹ Plaintiff names Kern Valley State Prison (“KVSP”) Warden K. Harrington, Correctional Officer C. Garcia and Inmate Appeals Coordinator E. Borrero as Defendants.

On March 13, 2013, the Court screened Plaintiff’s complaint and found that it stated a cognizable retaliation claim against Defendant Garcia. The Court further found that Plaintiff did not state any other claims against any other Defendants. Plaintiff was ordered to notify the Court of his willingness to proceed on the cognizable claim, or file an amended complaint.

¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on July 2, 2012.

1 On April 11, 2013, Plaintiff notified the Court that he was willing to proceed on the First
2 Amendment retaliation claim against Defendant Garcia. Plaintiff will be instructed on service by
3 separate order.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. This action proceed on Plaintiff's complaint, filed on June 11, 2012, against
6 Defendant Garcia for retaliation in violation of the First Amendment;

7 2. Plaintiff's remaining claims are DISMISSED for failure to state a claim;

8 3. Defendants K. Harrington and E. Borrero ARE DISMISSED.
9

10 IT IS SO ORDERED.

11 Dated: April 20, 2013

12 /s/ Dennis L. Beck
13 UNITED STATES MAGISTRATE JUDGE
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