UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

GERALDINE DARDEN,
Plaintiff,
vs.
S. DRISCOLL, et al.,
Defendants.

1:12-cv-01001 LJO GSA PC

FINDINGS AND RECOMMENDATION THAT DEFENDANTS SPENCER AND BLACKFORD BE DISMISSED FROM THIS ACTION

OBJECTIONS DUE IN TWENTY DAYS

I. <u>Screening Requirement</u>

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

By order filed April 9, 2015, the Court issued an order finding that the first amended complaint stated a claim against Defendant Driscoll for deliberate indifference to her serious medical needs, but failed to state a claim against Defendants Blackford and Spencer. Plaintiff was provided an opportunity to either file a second amended complaint or notify the Court of her willingness to proceed on the claims found by the Court to be cognizable. On May 13, 2015, Plaintiff filed a notice, indicating that she intends to proceed against Dr. Driscoll and that she "agrees to remove Todd Spencer, M.D. and Donald Blackford, M.D. from this complaint."

Accordingly, IT IS HEREBY RECOMMENDED that Defendants Todd Spencer and Donald Blackford be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). Within twenty days after being served with these findings and recommendations, Plaintiff may file written objections with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834 (9th Cir. 2014)(citing Baxter v. Sullivan, 923 F.2d 1394(9th Cir. 1991)).

1 IT IS SO ORDERED.

Dated: May 16, 2015 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE