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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ALBERT LEE HOOD,

12 Plaintiff,

13 vs.

14 MARGARET MIMS, et al.,

15 Defendants.
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1:13-cv-00108-LJO-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST DEFENDANTS
CHUNA, TAYLOR, WIBBLES, AND
ZAVALA, ON PLAINTIFF'S EIGHTH
AMENDMENT MEDICAL CLAIMS, AND
THAT ALL OTHER CLAIMS AND
DEFENDANTS BE DISMISSED

OBJECTIONS, IF ANY, DUE IN 20 DAYS

18 Albert Lee Hood ("Plaintiff") is a federal prisoner proceeding pro se and in forma
19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 against defendant officials
20 employed by the Fresno County Sheriff's Department at the Fresno County Jail. Plaintiff filed
21 the Complaint commencing this action on January 24, 2013. (Doc. 1.)

22 The court screened the Complaint pursuant to 28 U.S.C. § 1915A and issued an order
23 on May 8, 2014, requiring Plaintiff to either file an amended complaint or notify the court that
24 he is willing to proceed only on the claims found cognizable by the court. (Doc. 9.) On June
25 30, 2014, Plaintiff notified the court in writing that he does not wish to file an amended
26 complaint and wishes to proceed only on the cognizable Eighth Amendment medical claims,
27 against defendants Correctional Officer Chuna, Sergeant Taylor, Corporal Wibbles, and
28 Correctional Officer Zavala. (Doc. 11.)

1 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 2 1. This action proceed only against defendants Correctional Officer Chuna,
3 Sergeant Taylor, Corporal Wibbles, and Correctional Officer Zavala, on
4 Plaintiff's claims for inadequate medical care under the Eighth Amendment;
5 2. All remaining claims and defendants be dismissed from this action; and
6 3. Defendant Sheriff Margaret Mims be dismissed from this action based on
7 Plaintiff's failure to state any claims upon which relief may be granted against
8 her.

9 These Findings and Recommendations will be submitted to the United States District
10 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
11 **twenty (20)** days after being served with these Findings and Recommendations, Plaintiff may
12 file written objections with the Court. The document should be captioned "Objections to
13 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
14 objections within the specified time may waive the right to appeal the District Court's order.
15 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 IT IS SO ORDERED.

17 Dated: July 3, 2014

18 /s/ Gary S. Austin
19 UNITED STATES MAGISTRATE JUDGE
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