

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE EDWARD SUMMERS,

Plaintiff,
V.

Case No. 1:13-cv-00190-LJO-DLB

FINDINGS AND RECOMMEDNDATIONS RECOMMENDING TO DISMISS CERTAIN CLAIMS

R. CHAPNICK, et al.,

Defendants.

(ECF Nos. 27 & 31)

FOURTEEN-DAY DEADLINE

Plaintiff George Edward Summers ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR This action was filed on May 16, 2012 in the Northern District of California. (ECF No. 1.) On February 6, 2013, the case was transferred to the Eastern District of California. (ECF No. 15.)

On October 18, 2013, the Court issued a screening order requiring Plaintiff to file an amended complaint or notify the Court of willingness to proceed on claims identified. (ECF No. 27.) On November 6, 2013, Plaintiff filed a motion for reconsideration on the Court's screening order. (ECF No. 28.) On November 21, 2013, the Court denied Plaintiff's motion for reconsideration and ordered Plaintiff to file an amended complaint or notify the Court of willingness to proceed on claims identified. (ECF No. 30.) On December 26, 2013, Plaintiff filed a response indicating that he wished only to proceed on the claims against Defendants Biol and Siegrist for deliberate indifference to a serious medical need, in violation of the Eighth

1 Amendment. (ECF No. 31.) 2 Accordingly, it is HEREBY RECOMMENDED that: 3 1. This action proceeds on Plaintiff's complaint, filed November 13, 2012, against 4 Defendants Biol and Siegrist for deliberate indifference to a serious medical need, in violation of 5 the Eighth Amendment. 6 2. All remaining claims and defendants be dismissed, with prejudice, for failure to 7 state a claim. 8 These findings and recommendations are submitted to the district judge assigned to this 9 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 304. Within fourteen 10 (14) days of service of this recommendation, Plaintiff may file written objections to these findings 11 and recommendations with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The district judge will review the 12 13 magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). Plaintiff 14 is advised that failure to file objections within the specified time may waive the right to appeal the 15 district judge's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). 16 IT IS SO ORDERED. 17 /s/ Dennis L. Beck 18 Dated: **August 25, 2014** 19 20 21 22 23 24 25 26 27 28