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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY WATTS,  
  
                    Plaintiff,  
  
          v.  
  
H. NGUYEN, et al.,  
  
                    Defendants.

Case No. 1:13-cv-00917-AWI-SKO (PC)

ORDER (1) DIRECTING THAT ACTION  
PROCEED AGAINST DEFENDANTS  
NGUYEN AND ROUCH FOR VIOLATION  
OF THE FIRST AMENDMENT AND  
AGAINST DEFENDANTS NGUYEN,  
ROUCH, NAREDDY, BEREGOVSKAYS,  
AND MACIAS FOR VIOLATION OF THE  
EIGHTH AMENDMENT, AND (2)  
DISMISSING EQUAL PROTECTION  
CLAIM

(Docs. 1, 10, and 11)

ORDER REFERRING MATTER BACK TO  
MAGISTRATE JUDGE TO INITIATE  
SERVICE OF PROCESS

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Plaintiff Timothy Watts (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 17, 2013.

On May 9, 2014, the Magistrate Judge screened Plaintiff’s complaint and determined that it stated cognizable claims for relief against Defendants Nguyen and Rouch for retaliation, in violation of the First Amendment, and against Defendants Nguyen, Rouch, Nareddy, Beregovskays, and Macias for denial of adequate medical care, in violation of the Eighth Amendment. 28 U.S.C. § 1915A. The Magistrate Judge found, however, that Plaintiff’s complaint did not state a claim for denial of equal protection, in violation of the Fourteenth

1 Amendment. Plaintiff was ordered to either file an amended complaint or notify the Court of his  
2 willingness to proceed only on the claims found to be cognizable.

3 On May 16, 2014, Plaintiff filed a notice stating that he does not wish to file an amended  
4 complaint and he agrees to proceed only on the claims the Magistrate Judge found to be  
5 cognizable.

6 Accordingly, based on Plaintiff's notice, the Court HEREBY ORDERS as follows:

- 7 1. This action shall proceed against Defendants Nguyen and Rouch for retaliation, in  
8 violation of the First Amendment, and against Defendants Nguyen, Nareddy,  
9 Rouch, Beregovskays, and Macias for denial of adequate medical care, in violation  
10 of the Eighth Amendment;
- 11 2. Plaintiff's equal protection claim is dismissed for failure to state a claim; and
- 12 3. This action is referred back to the Magistrate Judge to initiate service of process.

13 IT IS SO ORDERED.

14 Dated: May 22, 2014

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17 SENIOR DISTRICT JUDGE

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