1 2 3 4 5 <u>6</u> 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 CASE NO. 1:13-cv-00960-AWI-MJS ALVARO QUEZADA, 12 Plaintiff, FINDINGS AND RECOMMENDATIONS 13 FOR DISMISSAL OF CERTAIN OF ٧. PLAINTIFF'S CLAIMS AND DEFENDANTS 14 MATTHEW CATES, et al., (ECF No. 1) 15 Defendants. FOURTEEN (14) DAY OBJECTION 16 DEADLINE 17 18 19 have appeared in the action. 20 21

22

23

24

25

26

27

28

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF Nos. 1 & 7.) No other parties

On March 16, 2015, the Court screened Plaintiff's Complaint and concluded that Plaintiff stated cognizable First Amendment free exercise of religion, Fourteenth Amendment equal protection, and RLUIPA claims against Defendant Smith, but no other claims or Defendants. (ECF No. 10.) The Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on his cognizable claims. On April 13, 2015, Plaintiff notified the Court of his willingness to forgo an amended complaint and proceed with his cognizable claims. (ECF No. 11.)

Accordingly, all claims in Plaintiff's Complaint except for his First Amendment free

exercise of religion, Fourteenth Amendment equal protection, and RLUIPA claims against Defendant Smith should now be dismissed.

The Court hereby RECOMMENDS the following:

- Plaintiff may proceed on his First Amendment free exercise of religion,
 Fourteenth Amendment equal protection, and RLUIPA claims against
 Defendant Smith; and
- 2. All other claims and Defendants be DISMISSED from this action;

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). Within **fourteen** (14) days after being served with these Findings and Recommendations, any party may file written objections with the Court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served and filed within **fourteen** (14) days after service of the objections. 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, 839 (9th Cir. 2014) (*citing Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.