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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 COREY MITCHELL,

12 Plaintiff,

13 vs.

14 B. DAVIGA, et al.,

15 Defendants.  
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1:13-cv-01324-GSA-PC

ORDER FOR THIS ACTION TO  
PROCEED AGAINST DEFENDANTS  
SHELDON AND CHAVEZ FOR  
FAILURE TO PROTECT PLAINTIFF,  
AND DISMISSING ALL OTHER  
CLAIMS AND DEFENDANTS FROM  
THIS ACTION

ORDER FINDING SERVICE OF  
SECOND AMENDED COMPLAINT  
APPROPRIATE, AND FORWARDING  
SERVICE DOCUMENTS TO  
PLAINTIFF FOR COMPLETION AND  
RETURN WITHIN THIRTY DAYS  
(Doc. 11.)

21 Corey Mitchell ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis  
22 in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint  
23 commencing this action on August 21, 2013. (Doc. 1.)

24 On October 28, 2013, Plaintiff consented to Magistrate Judge jurisdiction in this action  
25 pursuant to 28 U.S.C. § 636(c), and no other parties have made an appearance. (Doc. 6.)  
26 Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of  
27 California, the undersigned shall conduct any and all proceedings in the case until such time as  
28 reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

1 On January 9, 2014, Plaintiff filed the First Amended Complaint. (Doc. 9.) On June  
2 26, 2014, the First Amended Complaint was stricken from the record by the court for lack of  
3 Plaintiff's signature, with leave to amend. (Doc. 10.) On July 14, 2014, Plaintiff filed the  
4 Second Amended Complaint. (Doc. 11.) The court screened the Second Amended Complaint  
5 pursuant to 28 U.S.C. § 1915A and entered an order on February 11, 2015, requiring Plaintiff  
6 to either file a Third Amended Complaint or notify the court that he is willing to proceed only  
7 on the claims found cognizable by the court. (Doc. 14.) On March 16, 2015, Plaintiff filed a  
8 notice informing the court that he is willing to proceed only on the cognizable claims. (Doc.  
9 15.)

10 The court finds the Second Amended Complaint appropriate for service of process.  
11 Accordingly, it is HEREBY ORDERED that:

- 12 1. This case now proceeds on the Second Amended Complaint filed on July 14,  
13 2014, against defendants Sergeant Sheldon and Correctional Officer Chavez, for  
14 failure to protect Plaintiff in violation of the Eighth Amendment;
- 15 2. All other claims and defendants are DISMISSED from this action;
- 16 3. Plaintiff's claims for improper appeals process are DISMISSED from this action  
17 based on Plaintiff's failure to state a claim under § 1983;
- 18 4. Plaintiff's claims arising from events occurring at High Desert State Prison are  
19 DISMISSED from this action for lack of venue, without prejudice to initiating  
20 new actions for these claims at the Sacramento Division of the Eastern District  
21 of California;
- 22 5. Defendants Chief Deputy Warden E. Blanco; Lieutenant P. Morales; Chief D.  
23 Foston, and Appeals Coordinators B. Daviga, S. Tallerica, R. Davis, and D.  
24 Tarnoff are DISMISSED from this action based on Plaintiff's failure to state any  
25 claims against them under § 1983;
- 26 6. Correctional Counselor L. Maldonado and Classification Committee Chair  
27 Williams are DISMISSED from this action due to the dismissal of the claims  
28 against them;

