UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICK HAZELTINE, Plaintiff,	 1:14-cv-00056 LJO DLB PC FINDINGS AND RECOMMENDATION REGARDING PLAINTIFF'S NOTICE OF WILLINGNESS TO PROCEED ON COGNIZABLE CLAIMS
VS.)
FRANCES HICKS, et al.,) [ECF No. 10]
Defendants.)

Plaintiff Rick Hazeltine ("Plaintiff") is a civil detainee proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed this action on January 15, 2014.

On January 30, 2015, the Court screened Plaintiff's Complaint and found that it stated the following claim: Excessive force in violation of the Eighth Amendment against Defendants Young, Gamez, Casper, Oldan, Negrete, Avilia, Smith, and Ho. The Court ordered Plaintiff to file an amended complaint or notify the Court of his willingness to proceed only on this claim.

On February 20, 2015, Plaintiff notified the Court that he wanted to proceed only on the cognizable claim identified above.

RECOMMENDATION

Accordingly, the Court HEREBY RECOMMENDS the following:

1. This action be ORDERED to proceed on the following claim: Excessive force in

violation of the Eighth Amendment against Defendants Ian Young, Benjamin Gamez, Rashaun Casper, Julius Oldan, Porfirio Sanchez Negrete, David Avilia, Rickey Smith, and Charles Ho; and

The remaining claims, as well as Defendants Frances Hicks and Aldo Mendez, 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 Title 28 U.S.C. § 636(b)(l). Within fourteen (14) days after date of service of these Findings and Recommendations, Plaintiff may file written objections with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: March 3, 2015 /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE