UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JASON S. HARPER, Plaintiff, v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al., Defendants.	CASE NO. 1:14-cv-00115-AWI-MJS FINDINGS AND RECOMMENDATIONS THAT CERTAIN CLAIMS AND DEFENDANTS BE DISMISSED (ECF NO. 10) FOURTEEN (14) DAY DEADLINE

Plaintiff Jason S. Harper, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 27, 2014. (ECF No. 1.) On April 29, 2014, after reviewing Plaintiff's Complaint, the Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on his Eighth Amendment claim against Defendants Huffman and Curry and First Amendment claim against Defendant Rivero. (ECF No. 9.) On May 8, 2014, Plaintiff notified the Court of his willingness to forgo an amended complaint and proceed with his cognizable claims. (ECF No. 10.)

Accordingly, all claims and Defendants in Plaintiffs Complaint, except for his Eighth Amendment claim against Defendants Huffman and Curry and First Amendment claim against Defendant Rivero, should now be dismissed.

The Court hereby RECOMMENDS the following:

1. Plaintiff be allowed to proceed on his Eighth Amendment claim against Defendants Huffman and Curry and First Amendment claim against Defendant Rivero;

2. Plaintiff's remaining claims be dismissed; and

3. Defendants California Department of Corrections and Rehabilitation, A.B. Boucher, M. Jones, G.W. Ward, and Lozano be dismissed from the 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)(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 ten (10) days after service of the objections. The parties are 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: May 30, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE