1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 CHESTER RAY WISEMAN, Case No.: 1:14-cv-00831-LJO-SAB (PC) 12 Plaintiff, ORDER FINDING PLAINTIFF STATES A COGNIZABLE CLAIM OF DELIBERATE 13 v. INDIFFERENCE AGAINST DEFENDANT BITER ONLY, AND DISMISSING ALL OTHER CLAIMS 14 MATTHEW CATE, et al., AND DEFENDANTS FROM THE ACTION FOR FAILURE TO STATE A COGNIZABLE CLAIM 15 Defendants. FOR RELIEF 16 [ECF Nos. 1, 8, 9] 17 18 Plaintiff Chester Ray Wiseman is appearing pro se and in forma pauperis in this civil rights 19 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the instant complaint on June 2, 2014. 20 On October 3, 2014, the Magistrate Judge screened Plaintiff's complaint pursuant to 28 U.S.C. 21 § 1915, and found that Plaintiff stated a cognizable claim for deliberate indifference against Defendant 22 Martin D. Biter. The Court granted Plaintiff the option of filing a first amended complaint or 23 notifying the Court of his intent to proceed only on his claim against Defendant Biter. 24 On October 20, 2014, Plaintiff notified the Court is his intent to proceed against Defendant 25 Biter only. 26 /// 27 /// 28 ///

Based on the foregoing, IT IS HEREBY ORDERED that:

- For the reasons explained in the Court's October 3, 2014, order, this action shall
 proceed on Plaintiff's claim of deliberate indifference based on the conditions of his
 confinement against Defendant Biter;
- 2. All other claims and defendants are DISMISSED from the action for failure to state a cognizable claim for relief; and
- 3. The matter is referred back to the Magistrate Judge for initiation of service of process. IT IS SO ORDERED.

Dated: November 18, 2014 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE

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