UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JUAN JAIMES,	Case No.: 1:14-cv-00952-LJO-SAB (PC)
Plaintiff,	ORDER FINDING SERVICE OF PROCESS IS APPROPRIATE ON PLAINTIFF'S CLAIM OF
v.	DELIBERATE INDIFFERENCE AGAINST DEFENDANTS BARNES, NEIGHBORS,
DR. ROBERT J. BARNES, et al.,	FINNIGAN AND KAUFFMAN, DISMISSING ALL OTHER CLAIMS AND DEFENDANTS, AND
Defendants.	REFERRING THE MATTER BACK TO THE MAGISTRATE JUDGE FOR INITIATION OF SERVICE OF PROCESS
	(ECF Nos. 21, 22, 23)

Plaintiff Juan Jaimes is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 5, 2015, the Court screened Plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A and found that it stated a claim for against Defendants Barnes, Neighbors, Finnigan and Kauffman for deliberate indifference to a serious medical need in violation of the Eighth Amendment. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010). However, the Court found that the complaint did not state any other claims for relief. The Court ordered Plaintiff to either file an amended complaint curing the deficiencies identified or notify the Court he is willing to proceed only on his cognizable claim. On June 26, 2015, Plaintiff filed a notice stating he does not intend to amend and he is willing to proceed only on his cognizable Eighth Amendment claim against Defendants

Barnes, Neighbors, Finnigan and Kauffman.¹ Accordingly, IT IS HEREBY ORDERED that: 1. This action shall proceed against Defendants Barnes, Neighbors, Finnigan and Kauffman on Plaintiff's claim of deliberate indifference to a serious medical need in violation of the Eighth Amendment; and 2. All other Defendants and claims are dismissed from the action for failure to state a cognizable claim for relief; and The matter is referred back to the Magistrate Judge for initiation of service of process 3. by the United States marshal. IT IS SO ORDERED. /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE Dated: **June 29, 2015**

¹ In the June 26, 2015, notice Plaintiff contends his notice of willingness to proceed with the cognizable claim is conditioned on the stipulation that after Plaintiff completes discovery he can add new defendants and claims. Plaintiff is advised that the Court cannot and does not grant Plaintiff's requested stipulation as the right to amend the complaint is governed by Rule 15 of the Federal Rules of Civil Procedure, and any request to amend is premature at this juncture.