



1 Barnes, Neighbors, Finnigan and Kauffman.<sup>1</sup>

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. This action shall proceed against Defendants Barnes, Neighbors, Finnigan and  
4 Kauffman on Plaintiff's claim of deliberate indifference to a serious medical need in violation of the  
5 Eighth Amendment; and

6 2. All other Defendants and claims are dismissed from the action for failure to state a  
7 cognizable claim for relief; and

8 3. The matter is referred back to the Magistrate Judge for initiation of service of process  
9 by the United States marshal.

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11 IT IS SO ORDERED.

12 Dated: June 29, 2015

/s/ Lawrence J. O'Neill  
13 UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> In the June 26, 2015, notice Plaintiff contends his notice of willingness to proceed with the cognizable claim is  
28 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.