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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LACEDRIC JOHNSON,  
Plaintiff,

v.

SCOTT FRAUENHEIM, et al.,  
Defendants.

Case No. 1:14-cv-01601-LJO-SKO (PC)

ORDER DIRECTING THAT ACTION  
PROCEED ON CLAIMS FOUND TO BE  
COGNIZABLE IN FIRST SCREENING  
ORDER, AND DISMISSING OTHER  
CLAIMS AND PARTIES

(Docs. 7-9)

ORDER REFERRING MATTER BACK TO  
MAGISTRATE JUDGE TO INITIATE  
SERVICE OF PROCESS

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Plaintiff Lacedric Johnson (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 14, 2014. Plaintiff filed an amended complaint as a matter of right on November 24, 2014. Fed. R. Civ. P. 15(a)(1).

On June 29, 2015, the Magistrate Judge screened Plaintiff’s amended complaint and determined that it stated for monetary damages against Defendants Santos and Salas for violation of the First Amendment’s Free Exercise Clause; against Defendant Santos for violation of the Fourth Amendment; against Defendants Santos, Leon, Espinosa, Benavides, Bejinez, Erickson, Hill, Kennedy, Lopez, Luna, Ramirez, Salas, Trinidad, and Deshazo for violation of the Eighth Amendment arising out of the use of excessive physical force; and against Defendant Bejinez, Trinidad, Deshazo, George, Hansen, Liebold, Sharp, and Hoggard for violation of the Eighth Amendment arising out of the denial of adequate medical care. 28 U.S.C. § 1915A. The

1 Magistrate Judge found that Plaintiff's amended complaint did not state any other claims for relief  
2 against any other parties; and Plaintiff was ordered to either file a second amended complaint or  
3 notify the Court of his willingness to proceed only on those claims found to be cognizable.

4 On July 8, 2015, Plaintiff filed a notice stating that he does not wish to file a second  
5 amended complaint and he is willing to proceed only on his cognizable claims. Plaintiff also  
6 clarified that R. Newton is intended to be a defendant, in compliance with the order. Accordingly,  
7 based on Plaintiff's notice, the Court HEREBY ORDERS as follows:

8 1. This action, which limited to damages, shall proceed against (1) Defendants Santos  
9 and Salas for violation of the First Amendment's Free Exercise Clause; (2)  
10 Defendant Santos for violation of the Fourth Amendment; (3) Defendants Santos,  
11 Leon, Espinosa, Benavides, Bejinez, Erickson, Hill, Kennedy, Lopez, Luna,  
12 Ramirez, Salas, Trinidad, Deshazo, and Newton for violation of the Eighth  
13 Amendment arising out of the use of excessive physical force; and (4) Defendant  
14 Bejinez, Trinidad, Deshazo, George, Hansen, Liebold, Sharp, and Hoggard for  
15 violation of the Eighth Amendment arising out of the denial of adequate medical  
16 care;

17 2. All other legal claims, including Plaintiff's due process claim, 42 U.S.C. § 1985  
18 claim, and state law claims, are dismissed from this action for failure to state a  
19 claim;

20 3. Defendants Beard, Frauenheim, Fisher, Shimmin, Herrera, Mendez, and Woodend  
21 are dismissed from this action for failure to state a claim;

22 4. Plaintiff's claims for declaratory and injunctive relief are dismissed; and

23 5. This action is referred back to the Magistrate Judge to initiate service of process

24 IT IS SO ORDERED.

25 Dated: July 9, 2015

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

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