

1 and he is willing to proceed only on his cognizable Eighth Amendment claim against Defendants L.
2 Lara, J. Loveall, J. Westphal, and J. Neibert.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's claim for deliberate indifference to a serious medical need in violation of the
5 Eighth Amendment is dismissed for failure to state a cognizable claim for relief;
- 6 2. This action shall proceed on Plaintiff's claim of excessive force against Defendants L.
7 Lara, J. Loveall, J. Westphal, and against Defendant J. Neibert for failure to intervene
8 in violation of the Eighth Amendment; and
- 9 3. The matter is referred back to the Magistrate Judge for initiation of service of process
10 by the United States marshal.

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12 IT IS SO ORDERED.

13 Dated: March 11, 2015



14 SENIOR DISTRICT JUDGE

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