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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA
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6 MANUEL ANTONIO GONZALEZ,

7 Plaintiff,

8 v.

9 J. RAZO, et al.,

10 Defendants.

1:15-cv-01098-DAD-EPG (PC)

SCREENING ORDER

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT ALL OTHER
CLAIMS AND DEFENDANTS BE
DISMISSED WITH PREJUDICE
(ECF NO. 1)

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12 Manuel Antonio Gonzalez (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil
13 rights action pursuant to 42 U.S.C. § 1983, which includes attendant state law claims. On July
14 16, 2015, Plaintiff filed the complaint commencing this action. (ECF No. 1).

15 The Court screened Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915A. (ECF No.
16 31). The Court found that it states cognizable claims for unconstitutional excessive force
17 against Defendants Correctional Officer Razo and Correctional Officer Johnson; failure to
18 protect against Defendant Correctional Officer Blankenship; deliberate indifference to serious
19 medical needs against Defendants R.N. Rice and Ybarra; retaliation in violation of the First
20 Amendment against Defendant Ybarra; assault and battery against Defendants Correctional
21 Officer Razo and Correctional Officer Johnson; negligence against Defendant Correctional
22 Officer Blankenship; and medical malpractice against Defendant R.N. Rice. The Court
23 allowed Plaintiff the opportunity to amend his complaint or to stand on his complaint, subject
24 to the issuance of findings and recommendations consistent with the screening order. (*Id.*). On
25 January 23, 2017, Plaintiff notified the Court that he is willing to proceed only on the claims
26 found cognizable by the Court. (ECF No. 35).

27 Pursuant to an order that will be entered concurrently with these findings and
28 recommendations, the Court found that service of the complaint was appropriate, and

1 forwarded service documents to Plaintiff. As Plaintiff has failed to state any other claims, or
2 claims against any other defendants, and as Plaintiff has agreed to go forward only on the
3 claims found cognizable by the Court, the Court is now recommending that all other claims and
4 defendants be dismissed from this case.

5 The Court has found that the complaint states cognizable claims for unconstitutional
6 excessive force against Defendants Correctional Officer Razo and Correctional Officer
7 Johnson; failure to protect against Defendant Correctional Officer Blankenship; deliberate
8 indifference to serious medical needs against Defendants R.N. Rice and Ybarra; retaliation in
9 violation of the First Amendment against Defendant Ybarra; assault and battery against
10 Defendants Correctional Officer Razo and Correctional Officer Johnson; negligence against
11 Defendant Correctional Officer Blankenship; and medical malpractice against Defendant R.N.
12 Rice. The Court found that Plaintiff failed to state any other claims, or claims against any other
13 defendants. Accordingly, based on the foregoing, it is **HEREBY RECOMMENDED** that all
14 other claims and defendants be dismissed from this action with prejudice.

15 These Findings and Recommendations will be submitted to the United States District
16 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
17 thirty (30) days after being served with these Findings and Recommendations, Plaintiff may file
18 written objections with the Court. The document should be captioned “Objections to
19 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
20 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
21 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
22 (9th Cir. 1991)).

23
24 **IT IS SO ORDERED.**

25 Dated: **January 24, 2017**

26 */s/ Eric P. Grogan*
27 UNITED STATES MAGISTRATE JUDGE
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