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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MANUEL ANTONIO GONZALEZ,
Plaintiff,
v.
J. RAZO, et al.,
Defendants.

No. 1:15-cv-01098-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS AND DEFENDANTS
PLAINTIFF HAS ELECTED NOT TO
PROCEED ON, AND REFERRING CASE
BACK TO MAGISTRATE JUDGE

(Doc. No. 37)

Plaintiff is a state prisoner proceeding with counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 30, 2016, the assigned magistrate judge issued an order finding certain claims to be cognizable and instructing plaintiff to either file a first amended complaint addressing the deficiencies noted therein with respect to the other claims or to notify the court of his willingness to proceed only with the claims found cognizable in the screening order. (Doc. No. 31.) On January 23, 2017, plaintiff notified the court that he was willing to proceed on the claims the magistrate judge had found cognizable. (Doc. No. 35.) Therefore, on January 24, 2017, the magistrate judge ordered initiation of service of the complaint on those defendants

1 against whom a cognizable claim was found. (Doc. No. 36.) That same day, the magistrate judge
2 issued findings and recommendations recommending this court dismiss the additional claims and
3 defendants with prejudice, based on the prior screening order and the plaintiff's election not to
4 file an amended complaint. (Doc. No. 37.) Plaintiff was given thirty days in which to object to
5 these findings and recommendations. (*Id.*) No objections have been filed by plaintiff, and the
6 time in which to do so has passed.

7 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, the
8 undersigned has conducted a *de novo* review of this case. Having carefully reviewed the entire
9 file, the undersigned concludes the findings and recommendations are supported by the record
10 and proper analysis.

11 Given the foregoing:

12 1. The findings and recommendations issued by the magistrate judge on January 24, 2017
13 (Doc. No. 37) are adopted in full;

14 2. This action now proceeds on plaintiff's initial complaint, filed on July 6, 2015, on
15 plaintiff's claims identified in the screening order to be cognizable (Doc. No. 31);

16 3. All other claims and defendants are dismissed from this action with prejudice, given
17 plaintiff's election to proceed only on certain claims found cognizable;

18 4. The Clerk of the Court is directed to amend the court's docket to reflect the dismissal
19 of defendants Brennan, Anderson, B. Wedertz, R. Schmidt, Lundey, K. Allen, and Rice from this
20 action; and

21 5. This case is referred back to the Magistrate Judge for further proceedings.

22 IT IS SO ORDERED.

23 Dated: May 10, 2017

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26 UNITED STATES DISTRICT JUDGE
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