

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VANCE EDWARD JOHNSON,  
Plaintiff,  
v.  
S. HONNOLD,  
Defendant.

CASE NO. 1:15-cv-01118-LJO-MJS  
FINDINGS AND RECOMMENDATIONS  
FOR DISMISSAL OF CERTAIN OF  
PLAINTIFF'S CLAIMS AND DEFENDANTS  
(ECF No. 11)  
FOURTEEN (14) DAY OBJECTION  
DEADLINE

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF Nos. 1 & 6.) No other parties have appeared in the action.

On September 10, 2015, the Court screened Plaintiff's Complaint and concluded that Plaintiff stated cognizable Eighth Amendment medical indifference claim against Defendant Honnold, but no other claims or Defendants. (ECF No. 12.) The Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on his cognizable claim. On September 25, 2015, Plaintiff notified the Court of his willingness to forgo an amended complaint and proceed with his cognizable claim. (ECF No. 13.)

Accordingly, all claims in Plaintiff's Complaint except for his Eighth Amendment

1 medical indifference claim against Defendant Honnold should now be dismissed.

2 The Court hereby RECOMMENDS the following:

- 3 1. Plaintiff may proceed on his Eighth Amendment medical indifference claim  
4 against Defendant Honnold; and  
5 2. All other claims and Defendants be DISMISSED from this action;

6 These Findings and Recommendations are submitted to the United States District  
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
8 **fourteen** (14) days after being served with these Findings and Recommendations, any  
9 party may file written objections with the Court and serve a copy on all parties. Such a  
10 document should be captioned "Objections to Magistrate Judge's Findings and  
11 Recommendations." Any reply to the objections shall be served and filed within  
12 **fourteen** (14) days after service of the objections. The parties are advised that failure to  
13 file objections within the specified time may result in the waiver of rights on appeal.  
14 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (*citing Baxter v. Sullivan*, 923  
15 F.2d 1391, 1394 (9th Cir. 1991)).

16  
17 IT IS SO ORDERED.

18  
19 Dated: September 28, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE