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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HECTOR ALEMAN,
Plaintiff,
vs.
NORTH KERN STATE PRISON, *et al.*,
Defendants.

1:15-cv-01293-EPG-PC
ORDER THAT THIS ACTION PROCEED
ONLY ON PLAINTIFF'S FAILURE TO
PROTECT CLAIM AND THAT ALL OTHER
CLAIMS AND DEFENDANTS ARE
DISMISSED

Hector Aleman ("Plaintiff") is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On August 21, 2015, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On October 6, 2016, this Court issued a screening order pursuant to 28 U.S.C. § 1915A and found that it states a cognizable claim for failure to protect in violation of the Eighth Amendment against Defendants Rentieria, Ledesma, Nuno, Fierros, Montalvo, Acosta, and Garcia. (ECF No. 13.) The Court also found that Plaintiff failed to state any other cognizable claims. (*Id.*)

Plaintiff was granted leave to file an amended complaint or notify the Court that he is willing to proceed only on the claims found cognizable by the Court, subject to an order that the non-cognizable claims be dismissed from the action. (*Id.*) On October 24, 2016, Plaintiff

1 filed a notice informing the Court that he is willing to proceed only on the cognizable Eighth
2 Amendment claim for failure to protect. (ECF No. 14.)

3 Based on the foregoing, it is HEREBY ORDERED that:

- 4 1. This action proceeds only against Defendants Rentieria, Ledesma, Nuno,
5 Fierros, Montalvo, Acosta, and Garcia on Plaintiff's failure to protect claim;
- 6 2. All remaining claims and Defendants are dismissed from this action; and
- 7 3. Plaintiff's claims concerning the grievance process are dismissed from this
8 action based on Plaintiff's failure to state a claim.

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11 IT IS SO ORDERED.

12 Dated: October 25, 2016

13 /s/ Eric P. Groj
14 UNITED STATES MAGISTRATE JUDGE
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