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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CEDRIC EUGENE GREEN,

Plaintiff

v.

FRANKLIN, et al.,

Defendants.

CASE NO. 1:15-cv-1548-LJO-MJS (PC)

FINDINGS AND RECOMMENDATIONS

**(1) FOR SERVICE OF COGNIZABLE
CLAIMS AGAINST DEFENDANTS
FRANKLIN AND RAMOS; AND**

**(2) TO DISMISS ALL OTHER CLAIMS
AND DEFENDANTS WITH
PREJUDICE**

FOURTEEN-DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On August 31, 2016, Plaintiff's complaint was screened and found to state a cognizable First Amendment claim against Defendants Franklin and Ramos.¹ (ECF No. 11.) Plaintiff was directed to file an amended complaint or a notice of his willingness to proceed with the cognizable claims and dismiss all other claims and Defendants. Plaintiff has now filed a notice of his willingness to proceed on the complaint as screened. (ECF No. 15.)

Accordingly, IT IS HEREBY RECOMMENDED that:

¹ This case was reassigned to the undersigned on September 8, 2016.

- 1 1. Plaintiff proceed on his First Amendment claim against Defendants Franklin
2 and Ramos;
- 3 2. All other claims asserted in the complaint and all other named Defendants
4 be dismissed with prejudice;
- 5 3. Service be initiated on the following Defendants:
6 **FRANKLIN** – Mailroom Employee,
7 **RAMOS** – Appeals Coordinator;
- 8 4. The Clerk of the Court should send Plaintiff two (2) USM-285 forms, two (2)
9 summons, a Notice of Submission of Documents form, an instruction sheet
10 and a copy of the complaint filed October 13, 2015;
- 11 4. Within thirty (30) days from the date of adoption of these findings and
12 recommendations, Plaintiff should complete and return to the Court the
13 notice of submission of documents along with the following documents:
14 a. Completed summons,
15 b. One completed USM-285 form for each Defendant listed above,
16 c. Three (3) copies of the endorsed complaint filed October 13, 2015;
17 and
- 18 5. Upon receipt of the above-described documents, the Court should direct the
19 United States Marshal to serve the above-named Defendants pursuant to
20 Federal Rule of Civil Procedure 4 without payment of costs.

21 These findings and recommendations will be submitted to the United States
22 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
23 636(b)(1). Within fourteen (14) days after being served with the findings and
24 recommendations, the parties may file written objections with the Court. The document
25 should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.”
26 A party may respond to another party’s objections by filing a response within fourteen
27 (14) days after being served with a copy of that party’s objections. The parties are
28 advised that failure to file objections within the specified time may result in the waiver of

1 rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter
2 v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

3
4 IT IS SO ORDERED.

5 Dated: December 23, 2016

/s/ Michael J. Seng
6 UNITED STATES MAGISTRATE JUDGE

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