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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD RAY YORK,  
Plaintiff,  
v.  
M. STEWART, et al.,  
Defendants.

No. 1:15-cv-01828-DAD-BAM  
ORDER DISMISSING CERTAIN CLAIMS  
AND DEFENDANTS

Plaintiff Reginald Ray York is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 22, 2016, the assigned magistrate judge screened plaintiff's complaint and found that it stated the following cognizable claims: (1) against defendant Garcia for excessive use of force; (2) against defendant Neighbors for failure to protect plaintiff from the use of force; and (3) against defendants Garcia, Neighbors, and Stewart for failure to decontaminate plaintiff's cell. (Doc. No. 8.) Plaintiff was ordered to either file an amended complaint or notify the court that he did not wish to file any amended complaint and was willing to proceed on the claims set forth in his original complaint which had been found to be cognizable. (*Id.*) Thereafter, plaintiff sought reconsideration of the magistrate judge's order by the undersigned (Doc. No. 9), and on

1 November 3, 2016, this court denied reconsideration. (Doc. No. 10). The assigned magistrate  
2 judge again granted plaintiff leave to file an amended complaint or notify the court of his  
3 willingness to proceed only on his cognizable claims. (Doc. No. 11.) On November 18, 2016,  
4 plaintiff notified the court that he did not intend to file an amended complaint and wished to  
5 proceed only with the aforementioned claims defendants against Garcia, Neighbors, and Stewart.  
6 (Doc. No. 12.)

7 Accordingly,

- 8 1. This action shall proceed on plaintiff's December 7, 2015 complaint (Doc. No. 1) with  
9 respect to the following claims: (1) against defendant Garcia for excessive force; (2)  
10 against defendant Neighbors for failure to protect plaintiff from the use of force; and  
11 (3) against defendants Garcia, Neighbors, and Stewart for failure to decontaminate  
12 plaintiff's cell.
- 13 2. All remaining claims are dismissed from this action;
- 14 3. Defendants C. Chen, R. Hutchinson, J. Lewis, C. Pfeiffer, N. Karlow, and S. Rimbach  
15 are dismissed from this action; and
- 16 4. The case is referred back to the assigned magistrate judge for further proceedings  
17 consistent with this order.

18 IT IS SO ORDERED.

19 Dated: January 6, 2017

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22 UNITED STATES DISTRICT JUDGE  
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