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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISSAC DA'BOUR DAWSON,

Plaintiff,

vs.

CDCR, et al.,

Defendants.

1:15-cv-01867-DAD-GSA-PC

ORDER RE PLAINTIFF'S NOTICE THAT HE DOES NOT WISH TO PROCEED AGAINST DEFENDANTS ARNETT AND FLORES ON RETALIATION CLAIMS IN THIS CASE (ECF No. 78.)

ORDER FOR THIS CASE TO CONTINUE TO PROCEED ONLY AGAINST DEFENDANTS JOHNSON, GUZMAN, GONZALES AND SHELDON ON PLAINTIFF'S FOURTH AMENDMENT CLAIMS FOR UNREASONABLE UNCLOTHED BODY SEARCHES

Issac Da'bour Dawson ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff's original Complaint, filed on December 14, 2015, against defendants Johnson, Guzman, Gonzales and Sheldon on Plaintiff's Fourth Amendment claims for unreasonable unclothed body searches. (ECF No. 1.)

On January 8, 2018, the court rescreened the original Complaint and found that Plaintiff states cognizable retaliation claims against defendants Arnett and Flores. (ECF No. 72.) The court issued an order directing Plaintiff to notify the court whether he (1) wishes to proceed

1 with the retaliation claims against defendants Arnett and Flores, or (2) does not wish to proceed
2 with the retaliation claims against defendants Arnett and Flores, and is willing to proceed only
3 against defendants Johnson, Guzman, Gonzales and Sheldon on Plaintiff's Fourth Amendment
4 claims for unreasonable unclothed body searches. (Id.)

5 On January 29, 2018, Plaintiff notified the court that he does not wish to proceed with
6 the retaliation claims against defendants Arnett and Flores in this case. (ECF No. 78.) Plaintiff
7 expresses his intent to file a new case on the retaliation claims against defendants Arnett and
8 Flores after this case is resolved. (Id.)

9 In compliance with Plaintiff's wishes, the court shall not add defendants Arnett and
10 Flores to this case. This case shall continue to proceed only against defendants Johnson,
11 Guzman, Gonzales and Sheldon on Plaintiff's Fourth Amendment claims for unreasonable
12 unclothed body searches. However, **Plaintiff is cautioned that if he waits too long to file a**
13 **new case against defendants Arnett and Flores for events occurring in 2014, the new case**
14 **may be barred by the applicable statute of limitations.** Plaintiff should consider this
15 possibility before deciding to wait until this case is over to file his new case.

16 Based on the foregoing, **IT IS HEREBY ORDERED THAT** this case shall continue to
17 proceed only against defendants Johnson, Guzman, Gonzales and Sheldon on Plaintiff's Fourth
18 Amendment claims for unreasonable unclothed body searches.

19 IT IS SO ORDERED.
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21 Dated: February 1, 2018

/s/ Gary S. Austin
22 UNITED STATES MAGISTRATE JUDGE
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