UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

	SHANNON SORRELLS,) Case No.: 1:16-cv-00081-DAD-SAB (PC)
	Plaintiff, v.	FINDINGS AND RECOMMENDATIONS RECOMMENDING THAT FIRST AMENDED COMPLAINT IS APPROPRIATE FOR SERVICE
	UNITED STATES MARSHALS SERVICE, et al., Defendants.	AGAINST DEFENDANTS CAPTAIN HORTON AND MELHOFF AND DISMISSING ALL OTHER CLAIMS AND DEFENDANTS FROM THE ACTION FOR FAILURE TO STATE A COGNIZABLE CLAIM FOR RELIEF
		() [ECF Nos. 20, 22, 30]

Plaintiff Shannon Sorrells is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff declined magistrate judge jurisdiction, and this matter was therefore referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

On February 12, 2016, the Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and found that it failed to state any cognizable claims for relief. Plaintiff was granted leave to file an amended complaint within thirty days. Plaintiff filed a first amended complaint on April 6, 2016. On July 15, 2016, the Court screened Plaintiff's first amended complaint and found that it stated a cognizable claim for denial of appropriate medical care in violation of the Fourteenth Amendment. Plaintiff was ordered to file a second amended complaint or notify the Court of his intent to proceed on the claim found to be cognizable. After receiving an extension of time, on September 6, 2016,

Plaintiff filed a notice of his intent to proceed only on the claim found to be cognizable. (ECF No. 30.)

Accordingly, it is HEREBY RECOMMENDED that this action proceed against Defendants Captain Horton and Melhoff for denial of medical care in violation of the Fourteenth Amendment and all other claims and defendants be dismissed from the action for failure to state a cognizable claim for relief.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within **thirty (30) days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **September 8, 2016**

UNITED STATES MAGISTRATE JUDGE

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