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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
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9	DEBRA BERRY,	CASE NO. 1:16-cv-00411-LJO-MJS (PC)	
10	Plaintiff,	FINDINGS AND RECOMMENDATIONS	
11	V.	RECOMMENDING THAT THIS ACTION PROCEED ONLY ON COGNIZABLE	
12	YOSEMITE COMMUNITY COLLEGE	CLAIMS AND THAT ALL OTHER CLAIMS AND DEFENDANTS BE DISMISSED	
13	DISTRICT, et al.,	(ECF NO. 1)	
14	Defendants.	,	
15		FOURTEEN (14) DAY OBJECTION DEADLINE	
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18	Plaintiff Debra Berry proceeds pro se and in forma pauperis in this civil rights		
19	action brought pursuant to 42 U.S.C. § 1983 and Title VI of the Civil Rights Act of 1964,		
20	42 U.S.C. § 2000d		
21	On March 7, 2017, the Court screened Plaintiff's complaint and concluded that it		
22	stated the following cognizable claims: (1) a Fourteenth Amendment Equal Protection		
23	claim for compensatory and punitive damages against Defendants Jordan, Bambrosia,		
24	Carol, McCarthy, and Marks, in their individual capacities, and for injunctive relief in their		
25	official capacities; (2) a First Amendment retaliation claim for compensatory and punitive		
26	damages against Defendant Marks in his individual capacity; (3) a Title VI intentional		
27	discrimination claim for injunctive relief and compensatory damages against YCCD and		

MJC; and (4) a Title VI retaliation claim for injunctive relief and compensatory damages against YCCD and MJC. The remaining claims were not cognizable as pled. (ECF No. 6.)

Plaintiff was ordered to file an amended complaint or notify the Court in writing of her willingness to proceed only on the cognizable claims. (<u>Id.</u>) Plaintiff responded with a notice that she is willing to proceed only on the cognizable claims. (ECF No. 8.)

Based on the foregoing, it is HEREBY RECOMMENDED that:

- 1. This action proceed only on the following claims: (1) a Fourteenth Amendment Equal Protection claim for compensatory and punitive damages against Defendants Jordan, Bambrosia, Carol, McCarthy, and Marks, in their individual capacities, and for injunctive relief in their official capacities; (2) a First Amendment retaliation claim for compensatory and punitive damages against Defendant Marks in his individual capacity; (3) a Title VI intentional discrimination claim for injunctive relief and compensatory damages against YCCD and MJC; and (4) a Title VI retaliation claim for injunctive relief and compensatory damages against YCCD and MJC;
- 2. All other claims and defendants be dismissed from this action for failure to state a claim; and
- 3. The matter be referred back to the undersigned for further proceedings including service of process.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with the 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

1	waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014		
2	(citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).		
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4	IT IS SO OF	RDERED.	
5	Dated:	April 30, 2017	1st Michael J. Seng
6			UNITED STATES MAGISTRATE JUDGE
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