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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CASEY WATKINS,  
Plaintiff,  
v.  
CHAD GREENWOOD, et al.,  
Defendants.

Case No. 1:16-cv-00850-LJO-SAB  
FINDINGS AND RECOMMENDATION  
RECOMMENDING DISMISSING CERTAIN  
CLAIMS FROM THE ACTION FOR  
FAILURE TO STATE A COGNIZABLE  
CLAIM FOR RELIEF  
(ECF Nos. 9, 10, 11)  
OBJECTIONS DUE WITHIN THIRTY  
DAYS

Plaintiff Casey Watkins is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 30, 2016, the Court dismissed Plaintiff’s complaint with leave to amend for failure to state a cognizable claim for relief. (ECF No. 8.) Plaintiff filed a first amended complaint on October 14, 2016. (ECF No. 9.) On October 25, 2016, the Court screened Plaintiff’s first amended complaint and found that it stated a cognizable claim for excessive force in violation of the Fourth Amendment against Defendants Chad Greenwood and Lukious Sims in their individual capacities. (ECF No. 10.) 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. On November 21, 2016, Plaintiff filed a notice of his intent to proceed only on the claim found to be cognizable. (ECF No. 11.)

1 The Court has found that Plaintiff has stated a cognizable claim against Defendants  
2 Greenwood and Sims in their individual capacities for excessive force in violation of the Fourth  
3 Amendment. Accordingly, IT IS HEREBY RECOMMENDED that all other claims be  
4 dismissed from the action for failure to state a cognizable claim for relief.

5 This findings and recommendation will be submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **thirty (30) days**  
7 after being served with this findings and recommendation, Plaintiff may file written objections  
8 with the Court. The document should be captioned “Objections to Magistrate Judge’s findings  
9 and recommendation.” Plaintiff is advised that failure to file objections within the specified time  
10 may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th  
11 Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

12 IT IS SO ORDERED.

13  
14 Dated: November 22, 2016

  
UNITED STATES MAGISTRATE JUDGE