



1 filed a notice stating he does not intend to amend and he is willing to proceed only on his retaliation  
2 claims against Defendants Dean and Rivero, subject to severance.

3 Accordingly, it is HEREBY RECOMMENDED that:

- 4 1. The instant action proceed against Defendant Dean for retaliation;
- 5 2. Plaintiff's retaliation claim against Defendant Rivero be severed and a new case be  
6 opened; and
- 7 3. All other claims and Defendants be dismissed from the action for failure to state a  
8 cognizable claim.

9 These Findings and Recommendations will be submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**  
11 after being served with these Findings and Recommendations, Plaintiff may file written objections  
12 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and  
13 Recommendations." Plaintiff is advised that failure to file objections within the specified time may  
14 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)  
15 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

16  
17 IT IS SO ORDERED.

18 Dated: March 10, 2017

  
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19 UNITED STATES MAGISTRATE JUDGE