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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHANNON WILLIAMS,  
Plaintiff,  
v.  
OFFICER BAKER, et al.,  
Defendants.

**CASE No. 1:16-cv-01540-MJS (PC)**  
**ORDER DIRECTING CLERK'S OFFICE  
TO ASSIGN MATTER TO A DISTRICT  
JUDGE**  
**FINDINGS AND RECOMMENDATIONS  
RECOMMENDING THAT THIS ACTION  
PROCEED ONLY ON COGNIZABLE  
FIRST AND EIGHTH AMENDMENT  
CLAIM AND THAT ALL OTHER CLAIMS  
AND DEFENDANTS BE DISMISSED**  
**(ECF No. 1)**

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). On January 30, 2017, the Court screened Plaintiff's complaint and found that it states a cognizable claim for damages against Defendant Baker for excessive force in violation of the Eighth Amendment and retaliation in violation of the First Amendment, but no other cognizable claims. (ECF No. 12.) Plaintiff was ordered to file an amended complaint or notify the Court in writing if he wished to proceed only on the cognizable

1 claims. (Id.) Plaintiff responded that he does not intend to amend and instead wishes to  
2 proceed with the cognizable claims. (ECF No. 13.)

3 However, Plaintiff has not responded to Court orders requiring him to consent to  
4 or decline Magistrate Judge jurisdiction. (ECF Nos. 2, 9). Accordingly, the Clerk's Office  
5 is HEREBY DIRECTED to randomly assign this matter to a district judge pursuant to  
6 Local Rule 120(e).

7 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 8 1. This action proceed only on the cognizable First and Eighth  
9 Amendment claims for damages against Defendant Baker ; and
- 10 2. All other claims and defendants be dismissed from this action for failure  
11 to state a claim.

12 These findings and recommendations will be submitted to the United States  
13 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C.  
14 § 636(b)(1). Within fourteen (14) days after being served with the findings and  
15 recommendations, Plaintiff may file written objections with the Court. The document  
16 should be captioned "Objections to Magistrate Judge's Findings and Recommendations."  
17 Plaintiff is advised that failure to file objections within the specified time may result in the  
18 waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)  
19 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

20  
21 IT IS SO ORDERED.

22 Dated: February 28, 2017

23 /s/ Michael J. Seng  
24 UNITED STATES MAGISTRATE JUDGE  
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