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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 1:16-cv-01540-DAD-MJS (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS FOR ACTION TO
PROCEED ONLY ON COGNIZABLE
CLAIMS AND THAT ALL OTHER CLAIMS
AND DEFENDANTS BE DISMISSED

(Doc. Nos. 1, 15)

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). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On January 30, 2017, the assigned magistrate judge screened plaintiff's complaint and concluded that it states a cognizable claim for damages against defendant Baker for excessive use of force in violation of the Eighth Amendment and retaliation in violation of the First Amendment, but that no other cognizable claims were alleged. (Doc. No. 11.) Plaintiff was ordered to file an amended complaint or notify the court in writing if he wished to proceed only on the claims found to be cognizable in the screening order. (*Id.*) Plaintiff responded that he

1 does not wish to amend and instead wishes to proceed with the claims found by the court to be
2 cognizable. (Doc. No. 13.) Accordingly, on February 28, 2017, the magistrate judge issued
3 findings and recommendations recommending that this action proceed only on the claims set forth
4 in plaintiff's complaint which have found by the court to be cognizable and that the remaining
5 claims and defendants be dismissed from this action. (Doc. No. 15.) Plaintiff filed no objections
6 to those findings and recommendations and the time for doing so has passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
8 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
9 and recommendations to be supported by the record and by proper analysis.

10 Accordingly,

- 11 1. The court adopts in full the findings and recommendations filed February 28, 2017
12 (Doc. No. 15);
- 13 2. This action will proceed only against Defendant Baker on claims for damages for
14 excessive use of force in violation of the Eighth Amendment and retaliation in
15 violation of the First Amendment; and
- 16 3. All other claims and defendants are dismissed from this action for failure to state a
17 claim.

18 IT IS SO ORDERED.

19 Dated: May 5, 2017

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22 UNITED STATES DISTRICT JUDGE
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