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

JESSE D. ALLRED,)	Case No.: 1:16-cv-01571-LJO-SAB (PC)
)	
Plaintiff,)	
)	FINDINGS AND RECOMMENDATION
v.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS AND DEFENDANTS FOR FAILURE TO
CALIFORNIA DEPARTMENT OF)	STATE A COGNIZABLE CLAIM FOR RELIEF
CORRECTIONS AND REHABILITATION,)	
et al.,)	[ECF Nos. 1, 6, 7]
)	
Defendants.)	
)	
)	

Plaintiff Jesse D. Allred is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint in this action on October 18, 2016, which was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 5, 2017, the Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and found that Plaintiff stated a cognizable claim for deliberate indifference in violation of the Eighth Amendment against Defendants Duroy, Johnson, Moss, and Doe 1 (now identified by Plaintiff as x-ray technician Martinez). Plaintiff was directed to either file an amended complaint or notify the Court that he wished to proceed only the claim found to be cognizable. On April 27, 2017, Plaintiff filed a notice that he did not wish to amend his complaint and wants to proceed on the claim found to be cognizable in the April 5, 2017, screening order.

1 The Court has found that Plaintiff has stated a cognizable claim against Defendants Duroy,
2 Johnson, Moss, and Martinez and Plaintiff has not stated any other cognizable claims for relief.
3 Accordingly, IT IS HEREBY RECOMMENDED that:

4 1. This action shall proceed against Defendants Duroy, Johnson, Moss, and Martinez for
5 deliberate indifference in violation of the Eighth Amendment; and

6 2. All other claims and Defendants be dismissed from the action for failure to state a
7 cognizable claim for relief.

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

15
16 IT IS SO ORDERED.

17 Dated: April 28, 2017


UNITED STATES MAGISTRATE JUDGE