

1 the Eighth Amendment, but Plaintiff failed to state any other cognizable claims. Accordingly, IT IS
2 HEREBY RECOMMENDED that:

- 3 1. This action proceed against Defendants Huewe and Vargas for failure to protect, and
4 Defendants Cordova and McIntarr for excessive force in violation of the Eighth
5 Amendment; and
- 6 2. All other claims be dismissed from the action for failure to state a cognizable claim for
7 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 thirty (30) days after
10 being served with this findings and recommendation, Plaintiff may file written objections with the
11 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 20, 2017


18 UNITED STATES MAGISTRATE JUDGE