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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	CLEVELAND JONES,) Case No.: 1:16-cv-01911-AWI-SAB (PC)
12	Plaintiff,	FINDINGS AND RECOMMENDATIONS RECOMMENDING THIS ACTION PROCEED AGAINST DEFENDANT LOWDER ON PLAINTIFF'S EQUAL PROTECTION CLAIM AND ALL OTHER CLAIMS AND DEFENDANTS BE DISMISSED
13	v.	
14	R. LOWDER, et al.,	
15	Defendants.	
16		(ECF Nos. 1, 7, 8)
17	Plaintiff Cleveland Jones is appearing pro se and in forma pauperis in this civil rights action	
18	pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint in this action on December 23, 2016, which	
19	was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On April 6, 2017, the Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A and	
21	found that Plaintiff stated a cognizable equal protection claim against Defendant R. Lowder; however,	
22	Plaintiff failed to state any other cognizable claims against any other Defendants. Plaintiff was	
23	directed to either file an amended complaint or notify the Court that he wished to proceed only the	
24	claim found to be cognizable. On May 3, 2017, Plaintiff filed a notice that he did not wish to amend	
25	his complaint and wants to proceed on the claim found to be cognizable in the April 6, 2017, screening	
26	order.	
27	///	
28	///	

The Court has found that Plaintiff has stated a cognizable claim against Defendant R. Lowder for an equal protection violation and Plaintiff has not stated any other cognizable claims for relief.

Accordingly, IT IS HEREBY RECOMMENDED that:

- 1. This action shall proceed against Defendant R. Lowder for an equal protection violation; and
- 2. All other claims and Defendants be dismissed from the action for failure to state a cognizable claim for relief.

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

 $_{16}$ | IT IS SO ORDERED.

Dated: **May 4, 2017**

UNITED STATES MAGISTRATE JUDGE

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