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

FRANKIE L. GERMANY,	)	Case No.: 1:17-cv-00005-SAB (PC)
	)	
Plaintiff,	)	ORDER DIRECTING THAT ACTION PROCEED
	)	AGAINST DEFENDANTS DEFENDANTS
v.	)	HANSON, COELHO, GARCIA-FERNANDEZ,
	)	AND WARD FOR EXCESSIVE FORCE IN
M. COELHO, et al.,	)	VIOLATION OF THE EIGHTH AMENDMENT
	)	AND DISMISSING ALL OTHER CLAIMS AND
Defendants.	)	DEFENDANTS
	)	
	)	(ECF Nos. 12, 13, 14)

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Plaintiff Frankie L. Germany is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on March 21, 2017. Local Rule 302.

On June 27, 2017, the Court screened Plaintiff’s first amended complaint and found that Plaintiff stated a cognizable claim against Correctional Officer Ward, Correctional Officer Garcia-Fernandez, Sergeant Hanson, and Correctional Officer Coelho for excessive force in violation of the Eighth Amendment. The Court granted Plaintiff the option of filing an amended complaint or notifying the Court of his intent to proceed only on the excessive force claims against Correctional Officer Ward, Correctional Officer Garcia-Fernandez, Sergeant Hanson, and Correctional Officer Coelho. On July 10, 2017, Plaintiff filed a notice informing the Court that he did not wish to amend his complaint and wanted to proceed on those claims found to be cognizable in the June 27, 2017 screening order.

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Accordingly, based on Plaintiff's notice, the Court HEREBY ORDERS that:

1. This action shall proceed against Defendants Ward, Garcia-Fernandez, Hanson, and Coelho for excessive force in violation of the Eighth Amendment;
2. Plaintiff's deliberate indifference claim is dismissed from this action for failure to state a claim; and
3. Defendant Negre is dismissed from this action based on Plaintiff's failure to state a cognizable claim.

IT IS SO ORDERED.

Dated: July 12, 2017

  
UNITED STATES MAGISTRATE JUDGE