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

LONNIE LEWIS,)	Case No.: 1:17-cv-00131-LJO-SAB (PC)
)	
Plaintiff,)	
)	FINDINGS AND RECOMMENDATIONS
v.)	RECOMMENDING THIS ACTION PROCEED
)	AGAINST ONLY DEFENDANT VASQUEZ FOR
J. VASQUEZ, et al.,)	RETALIATION IN VIOLATION OF THE FIRST
)	AMENDMENT AND DISMISSING ALL OTHER
Defendants.)	CLAIMS AND DEFENDANTS
)	
)	[ECF Nos. 1, 7, 8]

Plaintiff Lonnie Lewis is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Following Plaintiff’s decline to proceed before a United States Magistrate Judge, this matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 20, 2017, the undersigned screened Plaintiff’s complaint and found that Plaintiff stated a cognizable damages claim against Defendant Vasquez for retaliation in violation of the First Amendment based on Defendant Vasquez requesting that Plaintiff be placed in administrative segregation and transferred to another prison because of Plaintiff’s August 18, 2014 appeal. Plaintiff was granted the option of either filing an amended complaint or notifying the Court of his intent to proceed only on the retaliation claim against Defendant Vasquez and dismissing all other claims and Defendants from the action. On May 25, 2017, Plaintiff notified the Court of his intent to proceed only against Defendant Vasquez for retaliation in violation of the First Amendment.

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Accordingly, it is HEREBY RECOMMENDED that:

1. This action shall proceed on Plaintiff’s damages claim for retaliation against Defendant Vasquez only;

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

These 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)(1). Within **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” 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)).

IT IS SO ORDERED.

Dated: May 30, 2017


UNITED STATES MAGISTRATE JUDGE