

1 GSA-PC. (Id.) On May 9, 2018, Plaintiff filed the Second Amended Complaint. (ECF No.
2 15.)

3 On August 20, 2018, the court screened the Second Amended Complaint and found that
4 it states a cognizable claim for mail interference under the Sixth Amendment against defendant
5 McDougall, but no other claims. (ECF No. 16.) Plaintiff was granted leave to either file a
6 Third Amended Complaint or notify the court that he is willing to proceed only on the claim
7 found cognizable by the court. (Id.) On August 27, 2018, Plaintiff filed a notice informing the
8 court that he is willing to proceed only on the cognizable mail interference claim against
9 defendant McDougall. (ECF No. 17.)

10 Based on the foregoing, it is **HEREBY RECOMMENDED** that:

- 11 1. This action proceed only against defendant McDougall on Plaintiff's claim for
12 mail interference under the Sixth Amendment;
- 13 2. All remaining claims be dismissed from this action;
- 14 3. Plaintiff's claims for retaliation and for violation of the Equal Protection Clause
15 be dismissed from this action based on Plaintiff's failure to state any claims upon
16 which relief may be granted; and
- 17 4. This case be referred back to the Magistrate Judge for further proceedings,
18 including initiation of service of process.

19 These Findings and Recommendations will be submitted to the United States District
20 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
21 fourteen (14) days after being served with these Findings and Recommendations, Plaintiff may
22 file written objections with the Court. The document should be captioned "Objections to
23 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
24 objections within the specified time may waive the right to appeal the District Court's order.
25 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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27 IT IS SO ORDERED.

28 Dated: August 29, 2018

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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