

1 order. (ECF No. 15.) As a result, the Court will recommend that Defendants Matthew Cate and Gipson
2 be dismissed from this action, and that it proceed only on the excessive force and retaliation claims
3 identified above for the reasons stated in the Court's October 17, 2017 screening order. Fed. R. Civ. P.
4 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555
5 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

6 Accordingly, it is HEREBY RECOMMENDED that:

- 7 1. This action only proceed on Plaintiff's claim against Defendants S. Briones, G. Torres,
8 T. Silva and J. Hernandez for excessive force and against Defendant J. Nail for
9 retaliation; and
- 10 2. All other claims and Defendants be dismissed for failure to state a claim upon which
11 relief could be granted.

12 These Findings and Recommendations will be submitted to the United States District Judge
13 assigned to the case, pursuant to the provision of 28 U.S.C. §636 (b)(1)(B). Within **fourteen (14) days**
14 after being served with these Finding and Recommendations, Plaintiff may file written objections with
15 the Court. The document should be captioned "Objections to Findings and Recommendations."
16 Plaintiff is advised that failure to file objections within the specified time may result in the waiver of
17 rights on appeal. Wilkerson v. Wheeler, 772 F.2d F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v.
18 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

19
20 IT IS SO ORDERED.

21 Dated: October 30, 2017


22 UNITED STATES MAGISTRATE JUDGE