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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 JERRY LEE KING,

10 Plaintiff,

11 v.

12 R. VILLEGAS, et al.,

13 Defendants.
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Case No. 1:17-cv-00676-AWI-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT ALL CLAIMS
AND DEFENDANTS BE DISMISSED,
EXCEPT FOR PLAINTIFF'S CLAIMS
FOR EXCESSIVE FORCE IN VIOLATION
OF THE EIGHTH AMENDMENT
AGAINST DEFENDANTS R. VILLEGAS
AND P. CRUZ

(ECF NOS. 1 & 10)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS
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18 On May 17, 2017, Plaintiff filed the complaint commencing this action. (ECF No. 1).
19 The Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915. (ECF No. 10). The
20 Court found that the complaint stated cognizable claims for excessive force in violation of the
21 Eighth Amendment against defendants R. Villegas and P. Cruz. (Id. at 8). The Court also
22 found that Plaintiff failed to state any other cognizable claims. (Id.)

23 The Court allowed Plaintiff to choose between proceeding only on the claims for
24 excessive force in violation of the Eighth Amendment against defendants R. Villegas and P.
25 Cruz, amending the complaint, or standing on the complaint subject to the Court issuing
26 findings and recommendations to a district judge consistent with the screening order. (Id. at 9).
27 On January 31, 2018, Plaintiff notified the Court that he is willing to proceed only on the
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1 claims for excessive force in violation of the Eighth Amendment against defendants R. Villegas
2 and P. Cruz. (ECF No. 11).

3 Accordingly, for the reasons laid out in the Court's screening order that was entered on
4 January 8, 2018 (ECF No. 10), and because Plaintiff has notified the Court that he is willing to
5 proceed only on the claims for excessive force in violation of the Eighth Amendment against
6 defendants R. Villegas and P. Cruz (ECF No. 11), it is **HEREBY RECOMMENDED** that all
7 claims and defendants be dismissed with prejudice, except for Plaintiff's claims for excessive
8 force in violation of the Eighth Amendment against defendants R. Villegas and P. Cruz.

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

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18 IT IS SO ORDERED.

19 Dated: February 8, 2018

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE
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