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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	LAWRENCE D. HENDRIX, III,	CASE No. 1:17-cv-00750-MJS (PC)
12	Plaintiff,	ORDER DIRECTING CLERK'S OFFICE TO ASSIGN MATTER TO A DISTRICT JUDGE FINDINGS AND RECOMMENDATIONS RECOMMENDING THAT THIS ACTION PROCEED ONLY ON COGNIZABLE EIGHTH AMENDMENT CLAIMS AND
13	V.	
14	OROZCO-SORIA, et al., Defendants.	
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17		THAT ALL OTHER CLAIMS AND DEFENDANTS BE DISMISSED
18		(ECF No. 1)
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21	Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this	

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On June 26, 2017, the Court screened Plaintiff's complaint and found that it states cognizable claims against Defendant Astorga for excessive force and medical indifference in violation of the Eighth Amendment, but no other cognizable claims. (ECF No. 6.) Plaintiff was ordered to file an amended complaint or notify the Court in writing if he wished to proceed only on the cognizable claims. (Id.) Plaintiff responded that he does not intend to amend and instead wishes to proceed with the cognizable claims. (ECF No. 8.)

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However, Plaintiff has not responded to Court orders requiring him to consent to or decline Magistrate Judge jurisdiction. (ECF Nos. 3-1, 7). Accordingly, the Clerk's Office is HEREBY DIRECTED to randomly assign this matter to a district judge pursuant to Local Rule 120(e).

Based on the foregoing, it is HEREBY RECOMMENDED that:

- 1. This action proceed only on the cognizable Eighth Amendment claims against Defendant Astorga; and
- 2. All other claims and defendants be dismissed from this action for failure to state a claim.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with the 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, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: July 26, 2017 UNITED STATES MAGISTRATE JUDGE

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