

1 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555
2 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

3 Accordingly, it is HEREBY RECOMMENDED that:

- 4 1. This action only proceed on Plaintiff's claim against Defendant Randolph for a due
5 process violation; and
- 6 2. All other claims and Defendants be dismissed for failure to state a claim upon which
7 relief could be granted.

8 These Findings and Recommendations will be submitted to the United States District Judge
9 assigned to the case, pursuant to the provision of 28 U.S.C. §636 (b)(1)(B). Within **fourteen (14) days**
10 after being served with these Finding and Recommendations, Plaintiff may file written objections with
11 the Court. The document should be captioned "Objections to Findings and Recommendations."

12 Plaintiff is advised that failure to file objections within the specified time may result in the waiver of
13 rights on appeal. Wilkerson v. Wheeler, 772 F.2d F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v.
14 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

15
16 IT IS SO ORDERED.

17 Dated: August 16, 2017


18 UNITED STATES MAGISTRATE JUDGE