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8	UNITED STA	TES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
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11	GENGHIS KHAN ALI STEVENSON,) Case No.: 1:17-cv-00764-LJO-SAB (PC)
12	Plaintiff,)
13	V.	FINDINGS AND RECOMMENDATIONS RECOMMENDING THIS ACTION PROCEED
14	M. CURNEL, et al.,	AGAINST ON PLAINTIFF'S DUE PROCESS CLAIM AGAINST DEFENDANT RANDOLPH
15	Defendants.	 AND DISMISSING ALL OTHER DEFENDANTS AND CLAIMS
16) _) [ECF Nos. 9, 10, 11]
17	Plaintiff Genghis Khan Ali Stevenson is appearing pro se and in forma pauperis in this civil	
18	rights action pursuant to 42 U.S.C. § 1983.	
19	On August 2, 2017, the Court screened Plaintiff's first amended complaint and found that it	
20	stated a cognizable due process claim against Defendant Randolph, but did not state any other	
21	cognizable claims. (ECF No. 10.) Plaintiff was ordered to amend his complaint to attempt to cure the	
22	deficiencies identified by the Court in that ord	der, or notify the Court that he is agreeable to proceeding
23	only on the claim identified as cognizable. (<u>Id</u> . at p. 11.)	
24	On July 17, 2017, Plaintiff notified the	e Court that he will not amend his complaint, and agrees
25	to proceed only on the claim found to be cognizable in the Court's August 2, 2017 screening order.	
26	(ECF No. 10.) As a result, the Court will recommend that Defendants M. Curnel, J. Caldwell, and	
27	M.L. Oliveria be dismissed from this action, and that it proceed only on the due process claim	
28	identified above for the reasons stated in the	Court's August 2, 2017 screening order. Fed. R. Civ. P.
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1	8(a); <u>Ashcroft v. Iqbal</u> , 556 U.S. 662, 678 (2009); <u>Bell Atlantic Corp. v. Twombly</u> , 550 U.S. 544, 555		
2	(2007); <u>Hebbe v. Pliler</u> , 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 <u>Baxter v.</u>		
14	<u>Sullivan</u> , 923 F.2d 1391, 1394 (9th Cir. 1991)).		
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16	IT IS SO ORDERED.		
17	Dated: August 16, 2017		
18	UNITED STATES MAGISTRATE JUDGE		
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