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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 CARLTON R. CALLINS,

11 Plaintiff,

12 v.

13 M. D. STAINER, et al.,

14 Defendants.
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Case No. 1:17-cv-00840-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT ALL CLAIMS
AND DEFENDANTS BE DISMISSED,
EXCEPT FOR PLAINTIFF’S CLAIMS
AGAINST DEFENDANT C. KYT FOR
VIOLATION OF THE EIGHTH
AMENDMENT FOR SEXUAL
HARASSMENT AND/OR ASSAULT;
AGAINST DEFENDANTS GARRISON,
ZAMORA, MANSON, PFEIFFER, AND
DUNCAN FOR FAILURE TO PROTECT
IN VIOLATION OF THE EIGHTH
AMENDMENT; AND AGAINST
DEFENDANTS J. CERVANTES, J.
GUZMAN, J. PENA, J. LOPEZ, I.
PADILLA, AND J. ESCUTIA FOR
EXCESSIVE FORCE IN VIOLATION OF
THE EIGHTH AMENDMENT

(ECF NOS. 1 & 18)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

ORDER DIRECTING CLERK TO ASSIGN
DISTRICT JUDGE

24 Carlton Callins (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
25 in this civil rights action filed pursuant to 42 U.S.C. § 1983.

26 Plaintiff filed the complaint commencing this action on June 23, 2017. (ECF No. 1).
27 The Court screened Plaintiff’s complaint. (ECF No. 18). The Court found that Plaintiff stated
28 “cognizable claims against Defendant C. Kyt for violation of the Eighth amendment for sexual

1 harassment and/or assault; against Defendants Garrison, Zamora, Manson, Pfeiffer, and Duncan
2 for failure to protect in violation of the Eighth Amendment; and against Defendants J.
3 Cervantes, J. Guzman, J. Pena, J. Lopez, I. Padilla, and J. Escutia for excessive force in
4 violation of the Eighth Amendment.” (Id. at 10). The Court also found that Plaintiff failed to
5 state any other cognizable claims. (Id.).

6 The Court allowed Plaintiff to choose between proceeding only on the claims found
7 cognizable by the Court in the screening order, amending the complaint, or standing on the
8 complaint subject to the Court issuing findings and recommendations to a district judge
9 consistent with the screening order. (Id. at 12). On June 18, 2018, Plaintiff notified the Court
10 that he is willing to proceed only on the claims found cognizable in the screening order. (ECF
11 No. 19).

12 Accordingly, for the reasons set forth in the Court’s screening order that was entered on
13 May 21, 2018 (ECF No. 18), and because Plaintiff has notified the Court that he is willing to
14 proceed only on the claims found cognizable by the Court (ECF No. 19), it is **HEREBY**
15 **RECOMMENDED** that all claims and defendants be dismissed, except for Plaintiff’s claims
16 against Defendant C. Kyt for violation of the Eighth amendment for sexual harassment and/or
17 assault; against Defendants Garrison, Zamora, Manson, Pfeiffer, and Duncan for failure to
18 protect in violation of the Eighth Amendment; and against Defendants J. Cervantes, J. Guzman,
19 J. Pena, J. Lopez, I. Padilla, and J. Escutia for excessive force in violation of the Eighth
20 Amendment.

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

