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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JONATHAN GRIGSBY,  
  
                    Plaintiff,  
  
          v.  
  
C. PFEIFFER, et al.,  
  
                    Defendants.

**Case No. 1:17-cv-01384-DAD-JLT (PC)**  
  
**FINDINGS AND RECOMMENDATIONS TO  
ALLOW PLAINTIFF TO PROCEED ONLY  
ON A FIRST AMENDMENT RETALIATION  
CLAIM AGAINST DEFENDANT  
HERNANDEZ**  
  
**(Doc. 34)**  
  
**FOURTEEN-DAY DEADLINE**

On May 28, 2019, Plaintiff’s first amended complaint was screened and found to state a retaliation claim against M. Hernandez. (Doc. 33.) Plaintiff was then directed to file a response indicating whether he wanted to file a second amended complaint, to stand on his pleading as screened, or to dismiss this action. Plaintiff has now filed a document titled “Amended Complaint and Demand for Jury Trial.” (Doc. 33.) On examination, it appears that Plaintiff is reasserting the same claims previously found not to be cognizable against the same defendants. Accordingly, the Court construes this filing as a notice of Plaintiff’s intent to stand on his first amended complaint.

The Court therefore RECOMMENDS that this action proceed only on a First Amendment retaliation claim against M. Hernandez. All other claims and defendants should be dismissed.

1           These Findings and Recommendations will be submitted to the United States District  
2 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within  
3 fourteen days after being served with these Findings and Recommendations, the parties may file  
4 written objections with the Court. The document should be captioned “Objections to Magistrate  
5 Judge’s Findings and Recommendations.” The parties are advised that failure to file objections  
6 within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler,  
7 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir.  
8 1991)).

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10 IT IS SO ORDERED.

11 Dated: July 11, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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