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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS A. ALARCON,
Plaintiff,
v.
C. XOYUODOM, *et al.*,
Defendants.

Case No. 1:17-cv-01632-AWI-JDP
FINDINGS AND
RECOMMENDATIONS THAT ALL
CLAIMS AND DEFENDANTS BE
DISMISSED, EXCEPT FOR THOSE
SANCTIONED BY THE SCREENING
ORDER

(Doc. No. 1.)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Plaintiff is a state prisoner proceeding pro se in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on December 7, 2017. (Doc. No. 1.) The court screened plaintiff’s complaint and found that he stated cognizable claims for retaliation in violation of the First Amendment against C. Xoyouodom and S. Arreguin; unconstitutional conditions of confinement in violation of the Eighth Amendment against C. Xoyouodom and S. Arreguin; deliberate indifference to serious medical needs in violation of the Eighth Amendment against C. Sisodia and P. Rouch; and discrimination in violation of Title II of the ADA against C. Xoyouodom, P. Rouch, and C. Sisodia. (Doc. No. 10, at 1-2.) The court found that plaintiff failed to state any other cognizable claims. (*Id.*)

The court allowed plaintiff to choose between proceeding only on the claims found cognizable by the court in the screening order, amending the complaint, or standing on the complaint subject to the court issuing findings and recommendations to a district judge

1 consistent with the screening order. (*Id.* at 18-19.) On July 13, 2018, plaintiff notified the court
2 that he is willing to proceed only on the claims found cognizable by the screening order. (Doc.
3 No. 11.)

4 Accordingly, for the reasons set forth in the court's screening order (Doc. No. 10), and
5 because plaintiff has notified the court that he is willing to proceed only on the claims
6 sanctioned by the court (Doc. No. 11), it is HEREBY RECOMMENDED that all claims and
7 defendants be dismissed, except for plaintiff's claims for retaliation in violation of the First
8 Amendment against C. Xoyoudom and S. Arreguin; unconstitutional conditions of confinement
9 in violation of the Eighth Amendment against C. Xoyoudom and S. Arreguin; deliberate
10 indifference to serious medical needs in violation of the Eighth Amendment against C. Sisodia
11 and P. Rouch; and discrimination in violation of Title II of the ADA against C. Xoyoudom, P.
12 Rouch, and C. Sisodia. (Doc. No. 10, at 1-2.)

13 These findings and recommendations will be submitted to the U.S. district judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14)
15 days of service of these findings and recommendations, plaintiff may file written objections
16 with the court. If plaintiff files such objections, he should do so in a document captioned
17 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
18 failure to file objections within the specified time may result in the waiver of rights on appeal.
19 *See Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923
20 F.2d 1391, 1394 (9th Cir. 1991)).

21
22 IT IS SO ORDERED.

23 Dated: August 17, 2018

24 
25 UNITED STATES MAGISTRATE JUDGE