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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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10 LARRY DONNELL KING,

11 Plaintiff,

12 v.

13 M. STANE, et al.,

14 Defendants.

Case No. 1:17-cv-01660-EPG (PC)

FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT ALL CLAIMS  
AND DEFENDANTS BE DISMISSED,  
EXCEPT FOR PLAINTIFF'S  
FOURTEENTH AMENDMENT  
DEVEREAUX CLAIM AND DUE  
PROCESS CLAIM AGAINST  
DEFENDANT STANE

(ECF NOS. 1 & 11)

16 OBJECTIONS, IF ANY, DUE WITHIN  
17 FOURTEEN DAYS

18 ORDER DIRECTING CLERK TO ASSIGN  
DISTRICT JUDGE

19 Larry King ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in  
20 this civil rights action filed pursuant to 42 U.S.C. § 1983.

21 Plaintiff filed the complaint commencing this action on December 11, 2017. (ECF No.  
22 1). The Court screened Plaintiff's complaint. (ECF No. 11). The Court found that Plaintiff  
23 stated "a cognizable Fourteenth Amendment Devereaux claim and a cognizable due process  
24 claim against defendant Stane." (Id. at 12). The Court also found that Plaintiff "failed to state  
25 any other cognizable claims." (Id.)

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

1 consistent with the screening order. (Id. at 13). On June 18, 2018, Plaintiff notified the Court  
2 that he is willing to proceed only on the claims found cognizable by the screening order. (ECF  
3 No. 12).

4 Accordingly, for the reasons set forth in the Court’s screening order that was entered on  
5 May 29, 2018 (ECF No. 11), and because Plaintiff has notified the Court that he is willing to  
6 proceed only on the claims found cognizable by the Court (ECF No. 12), it is HEREBY  
7 RECOMMENDED that all claims and defendants be dismissed, except for Plaintiff’s  
8 Fourteenth Amendment Devereaux claim and due process claim against defendant Stane.

9 These findings and recommendations are submitted to the United States district judge  
10 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**  
11 **(14) days** after being served with these findings and recommendations, Plaintiff may file  
12 written objections with the Court. The document should be captioned “Objections to  
13 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
14 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.  
15 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
16 (9th Cir. 1991)).

17 Additionally, IT IS ORDERED that the Clerk of Court is directed to assign a district  
18 judge to this case.

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20 IT IS SO ORDERED.

21 Dated: June 20, 2018

22 /s/ Eric P. Grogan  
23 UNITED STATES MAGISTRATE JUDGE  
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