

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8
9 JASON HARPER,

10 Plaintiff,

11 v.

12 CALIFORNIA PRISON INDUSTRY
AUTHORITY, et al.,

13 Defendants.

Case No. 1:17-cv-01717-LJO-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT ALL CLAIMS
AND DEFENDANTS BE DISMISSED,
EXCEPT FOR PLAINTIFF’S CLAIMS
AGAINST DEFENDANT BLAZO FOR
FAILURE TO PROTECT IN VIOLATION
OF THE EIGHTH AMENDMENT AND
FOR DELIBERATE INDIFFERENCE TO
SERIOUS MEDICAL NEEDS IN
VIOLATION OF THE EIGHTH
AMENDMENT

(ECF NOS. 1 & 11)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

14
15
16
17
18 Jason Harper (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in
19 this civil rights action filed pursuant to 42 U.S.C. § 1983.

20 Plaintiff filed the complaint commencing this action on December 20, 2017. (ECF No.
21 1). The Court screened Plaintiff’s complaint. (ECF No. 11). The Court found that Plaintiff
22 “stated cognizable claims against defendant Blazo for failure to protect in violation of the
23 Eighth Amendment and for deliberate indifference to serious medical needs in violation of the
24 Eighth Amendment.” (*Id.* at 7). The Court also found that Plaintiff “failed to state any other
25 cognizable claims.” (*Id.*)

26 The Court allowed Plaintiff to choose between proceeding only on the claims against
27 defendant Blazo for failure to protect in violation of the Eighth Amendment and for deliberate
28 indifference to serious medical needs in violation of the Eighth Amendment, amending the

1 complaint, or standing on the complaint subject to the Court issuing findings and
2 recommendations to a district judge consistent with the screening order. (Id. at 8).

3 On June 8, 2018, Plaintiff notified the Court that he is willing to proceed only on the
4 claims against defendant Blazo for failure to protect in violation of the Eighth Amendment and
5 for deliberate indifference to serious medical needs in violation of the Eighth Amendment.
6 (ECF No. 12).

7 Accordingly, for the reasons explained in the Court's screening order that was entered
8 on March 2, 2018 (ECF No. 11), and because Plaintiff has notified the Court that he is willing
9 to proceed only on the claims against defendant Blazo for failure to protect in violation of the
10 Eighth Amendment and for deliberate indifference to serious medical needs in violation of the
11 Eighth Amendment (ECF No. 12), it is **HEREBY RECOMMENDED** that all claims and
12 defendants be dismissed, except for Plaintiff's claims against defendant Blazo for failure to
13 protect in violation of the Eighth Amendment and for deliberate indifference to serious medical
14 needs in violation of the Eighth Amendment.

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

23
24 IT IS SO ORDERED.

25 Dated: June 14, 2018

26 /s/ Eric P. Grogan
27 UNITED STATES MAGISTRATE JUDGE
28