1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	MARK SHANE THOMPSON,) Case No.: 1:18-cv-00125-SAB (PC)
12	Plaintiff,	ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN A DISTRICT JUDGE TO CASE, AND FINDINGS AND RECOMMENDATIONS RECOMMENDING THIS ACTION PROCEED ON PLAINTIFF'S EXCESSIVE FORCE CLAIM ONLY
13	v.	
14	A. GOMEZ, et al.,	
15	Defendants.	
16		(ECF Nos. 1, 8, 9)
17	Plaintiff Mark Shane Thompson is appearing pro se and in forma pauperis in this civil rights	
18	action pursuant to 42 U.S.C. § 1983.	
19	On February 12, 2018, the Court screened Plaintiff's complaint and found that it stated a	
20	cognizable claim against Defendants A. Gomez, E. Weiss, Y. Sazo, C. Gray, J. Busby, Rodriguez, and	
21	J. Doe Nos 1 and 2 for excessive force only. (ECF No. 8.) Plaintiff was granted an opportunity to	
22	amend his complaint, or notify the Court that he is agreeable to proceeding only on the excessive force	
23	identified as cognizable. (<u>Id</u> .)	
24	On March 5, 2018, Plaintiff notified the Court that he wished to proceed only on the excessive	
25	force and dismiss all other claims. (ECF No. 9.)	
26	///	
27	///	
28	///	

As a result, the Court will recommend that this action only proceed on the claim identified above, and all other claims and defendants be dismissed for the reasons stated in the Court's February 12, 2018 screening order. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

Accordingly, it is HEREBY RECOMMENDED that:

- This action proceed on Plaintiff's claim against Defendants A. Gomez, E. Weiss, Y. 1. Sazo, C. Gray, J. Busby, Rodriguez, and J. Doe Nos 1 and 2 for excessive force;
- 2. All other claims and defendants be dismissed for failure to state a claim upon which relief could be granted, consistent with the Court's February 12, 2018 order; and
- 3. The Clerk of Court is directed to randomly assign a District Judge to this action.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provision of 28 U.S.C. §636 (b)(1)(B). Within fourteen (14) days after being served with these Finding and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.2d F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

UNITED STATES MAGISTRATE JUDGE

IT IS SO ORDERED.

March 6, 2018 Dated:

23

27

28