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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MIGUEL TORRES.,	)	Case No.: 1:18-cv-00188-LJO-SAB (PC)
Plaintiff,	)	FINDINGS AND RECOMMENDATIONS TO DISMISS CERTAIN CLAIMS AND DEFENDANTS
v.	)	
ISMAIL PATEL, et.al.,	)	
Defendants.	)	<b>FOURTEEN-DAY DEADLINE</b>
	)	
	)	
	)	
	)	
	)	

Plaintiff Miguel Torres is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 16, 2018, the Court issued a screening order granting Plaintiff leave to file a second amended complaint, or notify the Court within thirty days of his intent to proceed on certain cognizable claims. (ECF No. 15.) On December 3, 2018, Plaintiff notified the Court that he does not intend to file any second amended complaint, and would like to proceed on the claims found cognizable. (ECF No. 16.)

Therefore, it is **HEREBY RECOMMENDED** that:

1. For the reasons explained in the Court’s November 16, 2018 screening order, this matter proceed against Defendants Patel, Ulit, Mansrah, Spaeth and Serda, in their individual capacities, for deliberate indifference in violation of the Eight Amendment; and
2. All other claims and defendants be dismissed from this action for the failure to state a claim upon which relief may be granted.

1           These Findings and Recommendations will be submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14)**  
3 **days** after being served with these Findings and Recommendations, Plaintiff may file written objections  
4 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
5 Recommendations.” Plaintiff is advised that failure to file objections within the specified time may  
6 result in the waiver of the “right to challenge the magistrate’s factual findings” on appeal. Wilkerson v.  
7 Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir.  
8 1991)).

9  
10 IT IS SO ORDERED.

11 Dated: **December 5, 2018**



UNITED STATES MAGISTRATE JUDGE