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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 MYCHAL REED,

10 Plaintiff,

11 v.

12 P. VERA, et al.,

13 Defendants.
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Case No. 1:18-cv-00297-AWI-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT ALL CLAIMS
AND DEFENDANTS BE DISMISSED,
EXCEPT FOR PLAINTIFF'S CLAIM
AGAINST DEFENDANT MADSEN FOR
VIOLATING THE AMERICANS WITH
DISABILITIES ACT

(ECF NOS. 1 & 14)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS
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17 Mychal Reed ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in
18 this civil rights action filed pursuant to 42 U.S.C. § 1983.

19 Plaintiff filed the complaint commencing this action on February 27, 2018. (ECF No.
20 1). The Court screened Plaintiff's complaint. (ECF No. 14). The Court found that Plaintiff's
21 complaint stated "a non-frivolous claim against Defendant Madsen for violating the Americans
22 with Disabilities Act." (*Id.* at 9). The Court also found that Plaintiff failed to state any other
23 cognizable claims. (*Id.*)

24 The Court allowed Plaintiff to choose between proceeding only on the claim found
25 cognizable by the Court in the screening order, amending the complaint, or standing on the
26 complaint subject to the Court issuing findings and recommendations to a district judge
27 consistent with the screening order. (*Id.*). On September 10, 2018, Plaintiff notified the Court
28 that he wishes to proceed only on his claim against Defendant Madsen for violating the

1 Americans with Disabilities Act. (ECF No. 15).

2 Accordingly, for the reasons set forth in the Court’s screening order that was entered on
3 August 27, 2018 (ECF No. 14), and because Plaintiff has notified the Court that he is willing to
4 proceed only his claim against Defendant Madsen for violating the Americans with Disabilities
5 Act (ECF No. 15), it is **HEREBY RECOMMENDED** that all claims and defendants be
6 dismissed, except for Plaintiff’s claim against Defendant Madsen for violating the Americans
7 with Disabilities Act.

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

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18 IT IS SO ORDERED.

19 Dated: September 12, 2018

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE
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