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

TRACYE BENARD WASHINGTON,)	Case No.: 1:18-cv-00564-LJO-SAB (PC)
)	
Plaintiff,)	
)	FINDINGS AND RECOMMENDATIONS
v.)	RECOMMENDING THIS ACTION PROCEED ON
)	PLAINTIFF’S EXCESSIVE FORCE CLAIM
E. STARK, et.al.,)	AGAINST DEFENDANTS HICKS AND ROCHA
)	AND DISMISSING ALL OTHER CLAIMS AND
Defendants.)	DEFENDANTS
)	
)	[ECF Nos. 1, 9, 12]

Plaintiff Tracye Benard Washington is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 15, 2018, the Court screened Plaintiff’s complaint and found that it stated a cognizable claim for excessive force against Defendants Hicks and Rocha. (ECF No. 9.) Plaintiff was granted an opportunity to amend his complaint, or notify the Court that he is agreeable to proceeding only on the excessive force identified as cognizable. (Id.)

On May 31, 2018, Plaintiff notified the Court that he wished to proceed only on the excessive force and dismiss all other claims. (ECF No. 12.)

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 May 15, 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).

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Accordingly, it is HEREBY RECOMMENDED that:

1. This action proceed on Plaintiff’s claim against Defendants David Hicks and Hipolito Rocha for excessive force; and
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 May 15, 2018, screening order, ECF No. 9.

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)).

IT IS SO ORDERED.

Dated: June 4, 2018


UNITED STATES MAGISTRATE JUDGE