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

AUDREE CHATMAN,)	Case No.: 1:18-cv-01463-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF COURT TO
v.)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
)	THIS ACTION
H. VERA, et al.,)	
)	FINDINGS AND RECOMMENDATIONS
Defendants.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS AND DEFENDANTS
)	
)	[ECF Nos. 1, 5, 7]
)	

Plaintiff Audree Chatman is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 31, 2018, the undersigned screened Plaintiff’s complaint and found that Plaintiff stated a cognizable excessive force claim against Defendant H. Vera. (ECF No. 5.) However, Plaintiff did not state any other claims for relief. (Id.) The Court granted Plaintiff leave to amend the complaint or notify the Court in writing of his intent to proceed only the retaliation claim. (Id.) On November 19, 2018, Plaintiff notified the Court of his intent to proceed only on the excessive force claim. (ECF No. 9.) As a result, the Court will recommend that this action only proceed on the excessive force claim against Defendant H. Vera, and all other claims and Defendants be dismissed for the reasons stated in the Court’s October 31, 2018 screening order. Fed. R. Civ. P. 8(a); Ashcroft v.

1 Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v.
2 Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

3 Accordingly, it is HEREBY RECOMMENDED that:

- 4 1. This action proceed on Plaintiff’s excessive force claim against Defendant H. Vera;
- 5 2. All other claims and Defendants be dismissed for failure to state a claim upon which
6 relief could be granted, consistent with the reasoning set forth Court’s October 31, 2018
7 order; and
- 8 3. The Clerk of Court is directed to randomly assign a District Judge to this action.

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

16
17 IT IS SO ORDERED.

18 Dated: November 20, 2018



UNITED STATES MAGISTRATE JUDGE