

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JUAN R. VAZQUEZ,	)	Case No.: 1:19-cv-00045-DAD-SAB (PC)
	)	
Plaintiff,	)	
	)	FINDINGS AND RECOMMENDATION
v.	)	RECOMMENDING DISMISSAL OF
	)	DEFENDANT I. MATHOS AND REQUEST
E. CONANNAN, et.al.,	)	FOR DECLARATORY RELIEF
	)	
Defendants.	)	[ECF Nos. 14, 15]
	)	
	)	

Plaintiff Juan R. Vazquez is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 7, 2019, 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 the cognizable Eighth Amendment claim against Defendants Conannan, Silveira, Kamen, Siegrist, Hitchman and Vanblargen. (ECF No. 14.) On April 10, 2019, Plaintiff notified the Court that he does not intend to file a second amended complaint, and would like to proceed on the claim found cognizable. (ECF No. 15.)

Therefore, it is HEREBY RECOMMENDED that:

1. For the reasons explained in the Court’s March 7, 2019 screening order, this matter proceed against Defendants Conannan, Silveira, Kamen, Siegrist, Hitchman and Vanblargen, for deliberate indifference in violation of the Eight Amendment; and

1           2.       Defendant L. Mathos be dismissed from the action for failure to state a cognizable claim  
2 for relief; and

3           3.       Plaintiff's request for declaratory relief be dismissed as unnecessary.

4           These Findings and Recommendations will be submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14)**  
6 **days** after being served with these Findings and Recommendations, Plaintiff may file written objections  
7 with the court. The document should be captioned "Objections to Magistrate Judge's Findings and  
8 Recommendations." Plaintiff is advised that failure to file objections within the specified time may  
9 result in the waiver of the "right to challenge the magistrate's factual findings" on appeal. Wilkerson v.  
10 Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir.  
11 1991)).

12  
13 IT IS SO ORDERED.

14 Dated: April 10, 2019



UNITED STATES MAGISTRATE JUDGE