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8	UNITED STAT	'ES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JUSTIN STEELE,	Case No. 1:19-cv-00471-AWI-JLT (PC)
12	Plaintiff,	FINDINGS AND RECOMMENDATIONS
13	v.	TO DISMISS OFFICIAL-CAPACITY CLAIMS
14	CDCR, et al.,	14-DAY DEADLINE
15	Defendants.	
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17	On April 27, 2021, the Court screened Plaintiff's first amended complaint and found that	
18	it states cognizable claims of deliberate indifference to safety against Defendants Gutierrez and	
19	Herrera in their individual capacities, but that its official-capacity claims are not cognizable.	
20	(Doc. 23.) The Court therefore directed Plaintiff to file a second amended complaint curing the	
21	deficiencies in his pleading or a notice that he wishes to proceed only on the claims found	
22	cognizable. (Id. at 7.)	
23	On July 26, 2021, Plaintiff filed a notice that he "wishes to proceed only on the claims	
24	found cognizable." <sup>1</sup> (Doc. 27.) Accordingly, and for the reasons set forth in the Court's screening	
25	order (Doc. 23), the Court RECOMMENDS that Plaintiff's official-capacity claims be	
26	DISMISSED.	
27	<sup>1</sup> At one point Plaintiff refers to the filing as a "secon	d amended complaint " (Doc. 27 at 1) However, upon review

At one point, Plaintiff refers to the filing as a "second amended complaint." (Doc. 27 at 1.) However, upon review of the filing, it is clear that Plaintiff intends for it to service as notice that he wishes to proceed only on the individual-capacity claims found cognizable by the Court.

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1	These Findings and Recommendations will be submitted to the United States District	
2	Judge assigned to this case, pursuant to 28 U.S.C. § 636(b)(l). Within 14 days of the date of	
3	service of these Findings and Recommendations, Plaintiff may file written objections with the	
4	Court. The document should be captioned, "Objections to Magistrate Judge's Findings and	
5	Recommendations." Failure to file objections within the specified time may result in waiver of	
6	rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v.	
7	Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).	
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9	IT IS SO ORDERED.	
10	Dated: August 1, 2021 /s/ Jennifer L. Thurston	
11	CHIEF UNITED STATES MAGISTRATE JUDGE	
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