

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**

KAREEM J. HOWELL,)	Case No.: 1:19-cv-00782-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF COURT TO
v.)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
)	THIS ACTION
K. CRUZ, et al.,)	
)	FINDINGS AND RECOMMENDATION
Defendants.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS AND DEFENDANTS
)	
)	
)	[ECF Nos. 7, 10]

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

On June 12, 2019, the undersigned screened Plaintiff’s complaint and found that Plaintiff stated a cognizable retaliation claim against Defendants Cruz, Borona, Raishke, and Randolph, and a cognizable excessive force claim against Defendant Raishke. The Court granted Plaintiff leave to file an amended complaint or notify the Court of his intent to proceed only on the claims found to be cognizable.

On July 17, 2019, Plaintiff filed a notice of intent to proceed on the claims found to be cognizable and dismiss all other claims and Defendants. (ECF No. 10.) Accordingly, the Court will recommend that this action proceed against Defendants Cruz, Borona, Raishke, and Randolph for retaliation, and against Defendant Raishke for excessive force. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal,

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

3 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 4 1. This action proceed against Defendants Cruz, Borona, Raishke, and Randolph for
5 retaliation, and against Defendant Raishke for excessive force;
- 6 2. All other claims and Defendants be dismissed for failure to state a cognizable claim
7 for relief; 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 provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
11 after being served with these Findings and Recommendations, Plaintiff may file written objections
12 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
13 Recommendations.” Plaintiff is advised that failure to file objections within the specified time may
14 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
15 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

16
17 IT IS SO ORDERED.

18 Dated: July 18, 2019


19 UNITED STATES MAGISTRATE JUDGE