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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,
Plaintiff,
vs.
DO CANTO, et al.,
Defendants.

1:19-cv-00854-DAD-GSA-PC

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
PROCEED ONLY AGAINST
DEFENDANT M. DO CANTO FOR
RETALIATION UNDER THE FIRST
AMENDMENT, AND THAT ALL OTHER
CLAIMS AND DEFENDANTS BE
DISMISSED**

OBJECTIONS, IF ANY, DUE IN 14 DAYS

Kareem J. Howell (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on June 19, 2019. (ECF No. 1.)

The Complaint names as defendants Correctional Officer M. Do Canto, Sergeant M. Mason, and Lieutenant C. Munoz, and brings medical claims, retaliation claims, supervisory liability claims, state law claims, and a claim for submitting a false disciplinary report.

The court screened the Complaint and found that it states a cognizable claim under the First Amendment against defendant M. Do Canto for retaliation, but no other claims upon which relief may be granted. (ECF No. 11.) On August 21, 2020, the court issued a screening order requiring Plaintiff to either (1) file a First Amended Complaint, or (2) notify the court that he is

1 willing to proceed only with the retaliation claim against defendant Do Canto found cognizable
2 by the court. (Id.)

3 On September 3, 2020, Plaintiff notified the court that he is willing to proceed only with
4 the retaliation claim against defendant M. Do Canto found cognizable by the court. (ECF No.
5 12.)

6 Based on the foregoing, it is **HEREBY RECOMMENDED** that:

- 7 1. This action proceed only on Plaintiff's claim against defendant Correctional
8 Officer M. Do Canto for retaliation in violation of the First Amendment;
- 9 2. All remaining claims and defendants be dismissed from this action;
- 10 3. Plaintiff's medical claims, supervisory liability claims, state law claims, and claim
11 for submitting a false disciplinary report be dismissed from this action based on
12 Plaintiff's failure to state any claims upon which relief may be granted;
- 13 4. Defendants Sergeant M. Mason, and Lieutenant C. Munoz be dismissed from this
14 action based on Plaintiff's failure to state any claims against them upon which
15 relief may be granted; and
- 16 5. This case be referred back to the Magistrate Judge for further proceedings,
17 including initiation of service of process.

18 These Findings and Recommendations will be submitted to the United States District
19 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
20 fourteen (14) days after the date of service of these Findings and Recommendations, Plaintiff
21 may file written objections with the Court. The document should be captioned "Objections to
22 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
23 objections within the specified time may waive the right to appeal the District Court's order.
24 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

25
26 IT IS SO ORDERED.

27 Dated: September 8, 2020

/s/ Gary S. Austin
28 UNITED STATES MAGISTRATE JUDGE