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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON D. MCCOY,

Plaintiff,

v.

D. TORRES, et al.,

Defendants.

Case No. 1:19-cv-01023-JLT (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS DEFENDANT**

14-DAY DEADLINE

Clerk of the Court to assign a District Judge

On February 12, 2020, the Court screened Plaintiff’s complaint (Doc. 1) and found that it states cognizable claims against D. Torres, R. Jolly, R. Cavazos, and A. Balkind, but not against C. Pfeiffer. (Doc. 11.) The Court therefore directed Plaintiff to file a first amended complaint curing the deficiencies identified in its order or notify the Court that he wishes to proceed only on the claims found cognizable. (*Id.* at 9.)

In response to the Court’s screening order, Plaintiff filed a notice that he “wishes to proceed only on his claims against defendants Balkind, Cavazos, Jolly, and Torres, and to dismiss Pfeiffer (Warden).” (Doc. 14.) Accordingly, and for the reasons set forth in the Court’s screening order (Doc. 11), the Court RECOMMENDS that Defendant Pfeiffer be DISMISSED. The Court DIRECTS the Clerk of the Court to assign a District Judge to this action.

These Findings and Recommendations will be submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days of

1 the date of service of these Findings and Recommendations, Plaintiff may file written objections
2 with the Court. The document should be captioned, "Objections to Magistrate Judge's Findings
3 and Recommendations." Failure to file objections within the specified time may result in waiver
4 of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*
5 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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7 IT IS SO ORDERED.

8 Dated: April 7, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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