UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL DE'ANDRAE FLOWERS,	CASE NO. 1:19-cv-01027-JLT (PC)
Plaintiff,	**FINDINGS AND RECOMMENDATIONS TO PROCEED ONLY ON COGNIZABLE CLAIMS AND TO DISMISS ALL OTHER CLAIMS AND DEFENDANTS WITHOUT LEAVE TO AMEND**
v.	
COUNTY OF FRESNO, et al.,	
Defendants.	(Doc. 18)
	14-DAY DEADLINE

The Court screened Plaintiff's first amended complaint and found it stated a cognizable Eighth Amendment medical indifference claim against CO Toon and Does 1–3. Insofar as Plaintiff sought to assert other claims against these and/or other defendants, the Court deemed them not cognizable as pleaded. The Court directed Plaintiff to file notice as to whether he wished to stand on his pleading, to file another amended pleading, or to voluntarily dismiss the claim. Plaintiff responded by submitting his notice of intent to proceed his first amended complaint as screened.

Accordingly, the Court directs the Clerk of the Court to assign a district judge to this case. The Court RECOMMENDS that this action proceed solely on the claims identified above. All other claims and defendants should be **DISMISSED** without leave to amend.

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

after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in waiver of the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: **July 13, 2021**   **/s/ Jennifer L. Thurston**
                                         CHIEF UNITED STATES MAGISTRATE JUDGE