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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GILBERT NAVARRO,  
Plaintiff,  
v.  
J. STCLAIR, et al.,  
Defendants.

Case No. 1:20-cv-00524-SKO (PC)

**FINDINGS AND RECOMMENDATIONS  
TO DISMISS OFFICIAL-CAPACITY  
CLAIMS**

14-DAY DEADLINE

Clerk of the Court to assign a District Judge

On August 14, 2020, the Court screened Plaintiff’s first amended complaint and found that it states cognizable claims of deliberate indifference against the defendants in their individual capacities, but not in their official capacities. (Doc. 10.) The Court therefore directed Plaintiff to file a second amended complaint curing the deficiencies in his pleading or to notify the Court that he wishes to proceed only on his individual-capacity claims. (*Id.* at 1, 4.)

On August 26, 2020, Plaintiff filed a notice that he wishes to “proceed on the cognizable claims against the named defendants in their ‘individual capacities’” and to “dismiss[] his official capacity claims.” (Doc. 11.) Accordingly, and for the reasons set forth in the Court’s screening order (Doc. 10), the Court RECOMMENDS that Plaintiff’s official-capacity claims 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: August 28, 2020

/s/ Sheila K. Overt  
UNITED STATES MAGISTRATE JUDGE

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