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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,  
Plaintiff,  
v.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
Defendants.

Case No. 1:20-cv-00905-NONE-JLT (PC)

**FINDINGS AND RECOMMENDATIONS  
TO DISMISS CLAIMS AND  
DEFENDANTS**

14-DAY DEADLINE

On October 22, 2020, the Court screened Plaintiff’s complaint and found that it states cognizable claims for violations of the Americans with Disabilities Act (ADA) against Defendant CDCR and Defendants Ourique and Smith in their official capacities. (Doc. 20.) The Court found that the complaint’s remaining claims were not cognizable. (*Id.*) The Court therefore directed Plaintiff to file a first amended complaint curing the deficiencies in his pleading or to notify the Court that he wishes to proceed only on the claims found cognizable. (*Id.*)

On November 17, 2020, Plaintiff filed a “motion to proceed on claims found cognizable by this Court.” (Doc. 21.) Accordingly, and for the reasons set forth in the Court’s screening order (Doc. 20), the Court RECOMMENDS that:

1. Defendants Krzysiak, Merritt, and Sherman be DISMISSED; and,
2. The claims in Plaintiff’s complaint be DISMISSED, *except for* its ADA claims

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against Defendant CDCR and Defendants Ourique and Smith in their official capacities.

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 the date of service of 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." Failure to file objections within the specified time may result in waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: November 19, 2020

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE