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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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10 BRIAN WAYNE BRUCE,  
11 Plaintiff,  
12 v.  
13 J. GUERRA, et al.,  
14 Defendants.  
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Case No. 1:20-cv-01625-AWI-EPG (PC)  
FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT CERTAIN  
CLAIMS AND DEFENDANTS BE  
DISMISSED  
(ECF NOS. 1 & 6)  
OBJECTIONS, IF ANY, DUE WITHIN  
FOURTEEN DAYS

16 Brian Bruce (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in  
17 this civil rights action filed pursuant to 42 U.S.C. § 1983.

18 Plaintiff filed the complaint commencing this action on November 17, 2020. (ECF No.  
19 1). The Court screened Plaintiff’s complaint. (ECF No. 6). The Court found that only the  
20 following claim should proceed past the screening stage: Plaintiff’s Fourteenth Amendment  
21 due process claim against defendants Guerra, Snow, Edwards, and Valenzuela. (Id.).

22 The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b.  
23 Notify the Court in writing that he wants to stand on his complaint; or c. Notify the Court in  
24 writing that he does not want to file an amended complaint and instead wants to proceed only  
25 on his Fourteenth Amendment due process claim against defendants Guerra, Snow, Edwards,  
26 and Valenzuela.” (Id. at 12). On December 14, 2020, Plaintiff notified the Court that he wants  
27 to proceed only on the claim found cognizable in the screening order. (ECF No. 9).

28 Accordingly, for the reasons set forth in the Court’s screening order that was entered on

1 December 2, 2020 (ECF No. 6), and because Plaintiff has notified the Court that he wants to  
2 proceed only on the claim found cognizable in the screening order (ECF No. 9), it is HEREBY  
3 RECOMMENDED that all claims and defendants be dismissed, except for Plaintiff's  
4 Fourteenth Amendment due process claim against defendants Guerra, Snow, Edwards, and  
5 Valenzuela.

6         These findings and recommendations will be submitted to the United States district  
7 judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within  
8 **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may  
9 file written objections with the Court. The document should be captioned "Objections to  
10 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file  
11 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.  
12 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
13 (9th Cir. 1991)).

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15 IT IS SO ORDERED.

16 Dated: December 15, 2020

17 /s/ Eric P. Groj  
18 UNITED STATES MAGISTRATE JUDGE  
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