

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Plaintiff Morris Roberson is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 13 2021, the undersigned screened Plaintiff's complaint and found that he stated cognizable excessive force claim against Defendants Fambrough, Johnson, Silva, Bedolla and Furlong, a cognizable failure to intervene claim against Defendants Cruz and Rodriguez, and a cognizable claim for deliberate indifference to a serious medical need against Defendants Serna, Rhodes, and Dr. Goller. (ECF No. 10.) However, Plaintiff was advised that he failed to state any other cognizable claims. (*Id.*) Therefore, Plaintiff was advised that he could file an amended complaint or a notice of intent to proceed on the claim found to be cognizable. (*Id.*)

On September 7, 2021, Plaintiff notified the Court of his intent to proceed on the claims found to be cognizable. (ECF No. 11.) Thus, the Court will recommend that this action proceed on

1 Plaintiff's excessive force claim against Defendants Fambrough, Johnson, Silva, Bedolla and Furlong,  
2 failure to intervene claim against Defendants Cruz and Rodriguez, and deliberate indifference claim  
3 against Defendants Serna, Rhodes, and Dr. Goller. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S.  
4 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d  
5 338, 342 (9th Cir. 2010).

6 Accordingly, it is HEREBY ORDERED that the Clerk of the Court shall randomly assign a  
7 District Judge to this action.

8 Further, it is HEREBY RECOMMENDED that:

9 1. This action proceed against Defendants Fambrough, Johnson, Silva, Bedolla and  
10 Furlong for excessive force, against Defendants Cruz and Rodriguez for failure to  
11 intervene, and against Defendants Serna, Rhodes, and Dr. Goller for deliberate  
12 indifference to a serious medical need; and  
13 2. All other claims and Defendants be dismissed for failure to state a cognizable claim.

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

21  
22 IT IS SO ORDERED.

23 Dated: September 9, 2021



24  
25  
26  
27  
28

---

UNITED STATES MAGISTRATE JUDGE