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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ARTHUR D. TOWNSEND,)	Case No.: 1:21-cv-01120-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF COURT TO
v.)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
)	THIS ACTION
M. RENDON, et al.,)	
)	FINDINGS AND RECOMMENDATIONS
Defendants.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS AND DEFENDANTS
)	
)	(ECF Nos. 8, 9)
)	

18 Plaintiff Arthur D. Townsend is proceeding *pro se* and *in forma pauperis* in this civil rights
19 action pursuant to 42 U.S.C. § 1983.

20 On August 25 2021, the undersigned screened Plaintiff’s complaint and found that he stated
21 cognizable retaliation and excessive force claims against Defendant M. Rendon. (ECF No. 9.)
22 However, Plaintiff was advised that he failed to state any other cognizable claims. (Id.) Therefore,
23 Plaintiff was advised that he could file an amended complaint or a notice of intent to proceed on the
24 claim found to be cognizable. (Id.)

25 On September 7, 2021, Plaintiff notified the Court of his intent to proceed on the claims found
26 to be cognizable. (ECF No. 9.) Thus, the Court will recommend that this action proceed on Plaintiff’s
27 retaliation excessive force claims against Defendant M. Rendon, and all other claims and Defendants
28 be dismissed from the action. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell

1 Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir.
2 2010).

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

5 Further, it is HEREBY RECOMMENDED that:

- 6 1. This action proceed against Defendant M. Rendon for retaliation and excessive force;
7 and
- 8 2. All other claims and Defendants be dismissed for failure to state a cognizable claim.

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

16
17 IT IS SO ORDERED.

18 Dated: September 9, 2021



19 UNITED STATES MAGISTRATE JUDGE