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

10 RYAN J. JAWAD,
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12 Plaintiff,

13 v.

14 M. SOTO, et al.,

15 Defendants.

Case No. 1:22-cv-00238-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF Nos. 1 & 8)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

ORDER DIRECTING CLERK TO ASSIGN
DISTRICT JUDGE

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18 Ryan Jawad (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in
19 this civil rights action filed pursuant to 42 U.S.C. § 1983.

20 Plaintiff filed the complaint commencing this action on February 25, 2022. (ECF No.
21 1). The Court screened Plaintiff’s complaint. (ECF No. 8). The Court found that only the
22 following claim should proceed past the screening stage: Plaintiff’s Eighth Amendment
23 excessive force claim against defendant Soto. (Id.).

24 The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b.
25 Notify the Court in writing that he does not want to file an amended complaint and instead
26 wants to proceed only on his Eighth Amendment excessive force claim against defendant Soto;
27 or c. Notify the Court in writing that he wants to stand on his complaint.” (Id. at 11). On May
28 24, 2022, Plaintiff notified the Court that he wants to proceed only on his Eighth Amendment

1 excessive force claim against defendant Soto. (ECF No. 9).

2 Accordingly, for the reasons set forth in the Court’s screening order that was entered on
3 May 16, 2022 (ECF No. 8), and because Plaintiff has notified the Court that he wants to
4 proceed only on his Eighth Amendment excessive force claim against defendant Soto (ECF No.
5 9), it is **HEREBY RECOMMENDED** that all claims and defendants be dismissed, except for
6 Plaintiff’s Eighth Amendment excessive force claim against defendant Soto.

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

15 Additionally, **IT IS ORDERED** that the Clerk of Court is directed to assign a district
16 judge to this case.

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18 **IT IS SO ORDERED.**

19 Dated: May 25, 2022

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE
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