

1 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Plier, 627 F.3d
2 338, 342 (9th Cir. 2010).

3 Accordingly, it is HEREBY RECOMMENDED that:

- 4 1. This action proceed only against on Plaintiff's claim for unconstitutional conditions of
5 confinement against Defendants Mercado and Taylor and retaliation claim against
6 Defendant Mercado; and
- 7 2. All other claims and Defendants be dismissed for failure to state a cognizable claim.

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

15
16 IT IS SO ORDERED.

17 Dated: May 20, 2022


18 UNITED STATES MAGISTRATE JUDGE