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

CARLTON RAY CALLINS,  
Plaintiff,  
v.  
C. MASON, et al.,  
Defendants.

Case No. 1:22-cv-00603-SAB (PC)  
  
ORDER DIRECTING CLERK OF COURT  
TO RANDOMLY ASSIGN A DISTRICT  
JUDGE TO THIS ACTION  
  
FINDINGS AND RECOMMENDATION  
RECOMMENDING DISMISSAL OF  
CERTAIN CLAIMS AND DEFENDANTS  
  
(ECF No. 16)

Plaintiff Carlton Ray Callins is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On September 21, 2022, the Court screened Plaintiff’s first amended complaint, and found that he stated a cognizable claim against Defendant Kyt for sexual assault and retaliation, and against Defendants Manson, Flores, Zamora and Garrison for failure to protect from the sexual assault. (ECF No. 15.) However, Plaintiff failed to state any other cognizable claims. Plaintiff was granted the opportunity to file a second amended complaint or notify the Court of his intent to proceed on the claims found to be cognizable. (Id.) On November 23, 2022, Plaintiff filed a notice of intent to proceed on the claims found to be cognizable. (ECF No. 16.)

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1 Accordingly, it is HEREBY ORDERED that the Clerk of the Court shall assign a District  
2 Judge to this action

3 Further, it is HEREBY RECOMMENDED that:

- 4 1. This action proceed on Plaintiff's sexual assault and retaliation claims against  
5 Defendant Kyt and failure to protect claim against Defendants Manson, Flores,  
6 Zamora and Garrison; and
- 7 2. All other Defendants and claims be dismissed from the action for failure to state a  
8 cognizable claim for relief.

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

17  
18 IT IS SO ORDERED.

19 Dated: November 28, 2022

  
UNITED STATES MAGISTRATE JUDGE