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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SEQUOYAH DESERTHAWK  
KIDWELL,  
  
Plaintiff,  
  
v.  
  
JASON COLLINS, et al.,  
  
Defendants.

Case No.: 1:22-cv-00709-JLT-CDB (PC)

**FINDINGS AND RECOMMENDATIONS TO  
DISMISS CERTAIN CLAIMS AND  
DEFENDANTS**  
  
**14-DAY DEADLINE**

Plaintiff Sequoyah Deserthawk Kidwell, *also known as* Jason Scott Harper, is proceeding pro se in this civil rights action.

**I. INTRODUCTION**

On November 3, 2023, the Court issued its Second Screening Order. (Doc. 26.) The Court found Plaintiff’s first amended complaint plausibly alleged a First Amendment retaliation claim against Defendant Aguna;<sup>1</sup> however, the Court also held the first amended complaint failed to allege any other cognizable claim against any other named Defendant. (*Id.* at 4-18.) Plaintiff was ordered to select one of the following three options within 21 days of the date of service of the order: (1) to notify the Court in writing that he does not wish to file a second amended complaint and he is willing to proceed *only* on the First Amendment retaliation claim against Defendant

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<sup>1</sup> In Plaintiff’s original complaint, this individual’s surname was spelled “Aguwa.” (*See* Docs. 1 & 19 at 6.)

1 Aguna with the remaining claims against any other defendants to be dismissed; or (2) to file a  
2 second amended complaint curing the deficiencies identified by the Court in the screening order;  
3 or (3) to file a notice of voluntary dismissal. (*Id.* at 19-20.)

4 On November 9, 2023, Plaintiff filed a notice indicating he was willing to proceed only on  
5 the First Amendment retaliation claim against Defendant Aguna. (Doc. 27.)

## 6 **II. CONCLUSION AND RECOMMENDATIONS**

7 For the reasons set forth in the Court's Second Screening Order (Doc. 26), the Court  
8 **RECOMMENDS** that:

- 9 1. This action **PROCEED** *only* on Plaintiff's First Amendment retaliation claim against  
10 Defendant Aguna, in his individual capacity, pursuant to 42 U.S.C. § 1983;
- 11 2. The following Defendants be **DISMISSED** from this action:
  - 12 a. Jason Collins
  - 13 b. Donna Williams
  - 14 c. Jose Cisneros Vasquez
  - 15 d. Kathleen Allison
  - 16 e. Mark Alford
  - 17 f. Stu Sherman
  - 18 g. Angel Armenta
  - 19 h. Ricky Dela Cruz
  - 20 i. C. Torres
  - 21 j. Raul Morales
  - 22 k. Lorenzo Macias
  - 23 l. Gabino Mercado
  - 24 m. Cecilia Sanchez
  - 25 n. Maria Quinnonez
  - 26 o. Jaime Escobedo
  - 27 p. Jonathan Esparza
  - 28 q. Connie Gipson

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- r. "Office of Appeals" and
- s. California Department of Corrections and Rehabilitation; and

3. The remaining claims in Plaintiff's first amended complaint be **DISMISSED**.

These Findings and Recommendations will be submitted to the district judge assigned to this case, pursuant to 28 U.S.C. § 636(b)(1). **Within 14 days** of the date of service of these Findings and Recommendations, a party may file written objections with the Court. The document should be captioned, "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may result in waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: November 14, 2023

  
UNITED STATES MAGISTRATE JUDGE