

1 complaint curing the deficiencies identified in the Court’s order, or (3) file a notice of voluntary
2 dismissal. (*Id.* at 7-9.)

3 On November 27, 2023, Plaintiff filed a notice indicating his wish to proceed only on the
4 claim found cognizable by the Court. (*See* Doc. 11.)

5 **II. CONCLUSION AND RECOMMENDATIONS**

6 For the reasons given above, the Court **RECOMMENDS** that:

- 7 1. This action **PROCEED** only on Plaintiff’s Eighth Amendment deliberate indifference
8 to serious medical needs claim against Defendant Jane Doe L.V.N., the remaining
9 claims to be dismissed; and
10 2. The California Department of Corrections and Rehabilitation and John Does 1 through
11 10 be **DISMISSED** from this action.

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

19
20 IT IS SO ORDERED.

21 Dated: **December 1, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE