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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR WYATT,

Plaintiff,

No. CIV S-05-2025 LKK EFB P

vs.

CITY OF CHICO POLICE DEPT.,  
et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. On November 20, 2007, the court screened plaintiff’s complaint, found that it did not state cognizable claims against defendants City of Chico Police Department or Nelson, and admonished plaintiff that he could either proceed with his action solely against defendants Lara, Winnings, Palmer, and Gama or file an amended complaint in an attempt to state a claim also against defendants City of Chico Police Department and Nelson. On December 13, 2007, plaintiff submitted the documents necessary for service against defendants Lara, Winnings, and Palmer.

The court construes plaintiff’s election to proceed solely against defendants Lara, Winnings, and Palmer as consent to dismissal of all claims against defendants City of Chico Police Department and Nelson.

1 For the foregoing reasons, IT IS HEREBY RECOMMENDED that defendants City of  
2 Chico Police Department and Nelson be dismissed from this action.

3 These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
5 after being served with these findings and recommendations, any party may file written  
6 objections with the court and serve a copy on all parties. Such a document should be captioned  
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
8 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: January 31, 2008.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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