IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY KNAPP, No. CIV S-05-2520-FCD-CMK-P

Plaintiff,

vs. ORDER

RODERICK HICKMAN, et al.,

Defendants.

_____/

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On September 2, 2010, the undersigned issued findings and recommendations recommending the defendants' motion for summary judgment be granted. Those findings and recommendations were adopted in part and denied in part. Specifically, defendants' motion for summary judgment was granted as to all remaining claims except claims 9 and 10 m, o, and x. As to those limited claims, the District Judge declined to adopt the recommendation, but only to the extent that those claims needed further consideration.

Therefore, this matter has been referred to the undersigned for further consideration of the motion for summary judgment, as it pertains to claims 9 and 10 m, o, and x. Prior to the undersigned issuing further findings and recommendations, the parties will be provided an opportunity to file a supplemental brief as to the remaining claims only. The parties should address claims 9 and 10 m, o, and x, in light of the District Judge's April 7, 2011, order. Given the limited scope of the supplemental briefs, any supplemental brief filed pursuant to this

order shall not exceed fifteen (15) pages. No reply briefs will be ordered.

In addition, the findings and recommendations were adopted as to claims 1, 3, 5, 7, 8, 10 d, e, f, g, h, i, q, r, s, and w, and claim 12. It is therefore appropriate to terminate all defendants except those named in claims 9 and 10 m, o, and x. The only defendants remaining in this action are Hogan, Poe, Etheredge, Gutierrez, Lattimore, and Warren. Hein, Kaiser, Keeland, Sauceda, Smith, Marshall,[1] King, Brown, Danzinger, and Kanipe, are no longer defendants in this action and are to be terminated on the docket.

Accordingly, IT IS HEREBY ORDERED that:

1. The parties may simultaneously file a supplemental brief, not to exceed fifteen (15) pages, related to the motion for summary judgment as to claims 9 and 10 m, o, and x, within twenty (20) days of the date of this order; and

2. The Clerk of the Court is directed to terminate defendants Hein, Kaiser, Keeland, Sauceda, Smith, Marshall, King, Brown, Danzinger, and Kanipe on the docket.

DATED: April 14, 2011

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

[1] Defendant Marshall was dismissed from this action on December 9, 2009. However, he was never terminated as a defendant on the docket.