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

CESARE REDMOND,

Plaintiff,

No. CIV S-07-0021 MCE EFB P

vs.

W.A. RODRIGUEZ, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a prisoner without counsel suing for alleged civil rights violations. *See* 42 U.S.C. § 1983. By order filed April 24, 2009, the court found that plaintiff had stated sufficient charging allegations against defendants Rodriguez and Valadez and informed plaintiff he could proceed against those defendants only or file an amended complaint that also states a claim against defendants Scavetta, Park, Chirilio, and Motshenbacher. The court also informed plaintiff that the court would consider his decision to proceed only as to defendants Rodriguez and Valadez as consent to the dismissal of the other named defendants. On January 4, 2010, plaintiff returned documents for service against defendants Rodriguez and Valadez.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's claims against defendants Scavetta, Park, Chirilio, and Motshenbacher be dismissed without prejudice.

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).  
Dated: February 25, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE