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

ULYSSES DAVIS, JR.,

Plaintiff,

No. 2:09-cv-0832 FCD KJN P

vs.

CHAPLAIN JUMAH, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

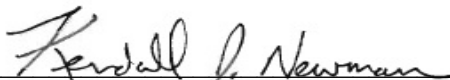
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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On February 16, 2010, plaintiff's claims against defendants Walker and Beoke were dismissed with leave to amend. Plaintiff was granted the option to file an amended complaint or, if he failed to file an amended complaint, his election to proceed forthwith would be construed as consent to an order dismissing his defective claims against defendants Walker and Beoke without prejudice. On March 15, 2010, plaintiff filed the notice of submission of documents and provided service documents, thereby opting to proceed forthwith and consenting to the dismissal of defendants Walker and Beoke without prejudice.

Accordingly, IT IS HEREBY RECOMMENDED that defendants Walker and Beoke be dismissed from this action without prejudice. Fed. R. Civ. P. 41.

1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
3 one days after being served with these findings and recommendations, plaintiff may file written
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's
5 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
6 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
7 F.2d 1153 (9th Cir. 1991).

8 DATED: May 21, 2010

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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