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

ROBERT EARL DEARMON, JR.,

Plaintiff,

No. CIV S-09-1309 GGH P

vs.

CITY OF ALBANY, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 10, 2009, the court issued an order finding that the complaint stated a colorable excessive force claim against defendants Arthur and Aries Pagsolingan. The court found that the remaining claims in the amended complaint were not colorable and granted plaintiff thirty days to file an amended complaint. Thirty days passed and plaintiff did not file an amended complaint. The court has separately ordered service of defendants Arthur and Aries Pagsolingan.

Accordingly, for the reasons stated in the June 10, 2009, order the court recommends dismissal of all claims in the complaint but for the excessive force claims against defendants Arthur and Aries Pagsolingan.

IT IS HEREBY RECOMMENDED that all claims but for the excessive force claims against defendants Arthur and Aries Pagsolingan be dismissed. The Clerk is directed to

