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

M.L. COFFEE,

Plaintiff,

No. 2:09-cv-1838 KJN P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____ /

Pursuant to this court’s screening of plaintiff’s original complaint pursuant to 28 U.S.C. § 1915A(a), the court found that the complaint may state cognizable claims against defendants Rodman and Mahoney, but did not state a claim against defendants Sisto and Cervantes. (Dkt. No. 7.) The court gave plaintiff the option of proceeding on his original complaint or filing an amended complaint that added a cognizable claim against defendants Sisto and Cervantes. Plaintiff chose to proceed on his original complaint against defendants Rodman and Mahoney, effectively choosing to terminate this action against defendants Sisto and Cervantes.

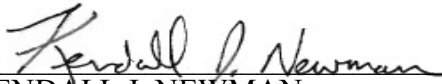
In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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1 Accordingly, IT IS HEREBY RECOMMENDED that defendants Sisto and
2 Cervantes be dismissed from this action.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
7 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
8 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
9 (9th Cir. 1991).

10 DATED: June 28, 2010

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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