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

LEE WILSON,

No. 2:09-CV-2191-LKK-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

SANDRA LEE WEVER, et al.¹

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s third amended complaint (Doc. 56).

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). For the reasons outlined in the accompanying order, the court finds that service of this action is appropriate for defendants Wever and Proffitt only and that all other defendants, who are private parties, should be dismissed from this civil rights action.

¹ William Proffitt, who is named in the third amended complaint, does not appear on the court’s docket as a defendant. The Clerk of the Court will be directed to correct the docket to include Proffitt as a listed defendant.

1 Based on the foregoing, the undersigned recommends that this action proceed
2 against defendant Wever and Proffitt only and that all other defendants be dismissed.

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 14 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. Responses to objections shall be filed within 14 days after service of
7 objections. Failure to file objections within the specified time may waive the right to appeal.
8 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: June 25, 2012

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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