

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

HORACE ANDREW BELL,

Plaintiff,

No. CIV S-09-2426 JAM EFB P

vs.

KELLY HARRINGTON, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /


Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On April 15, 2011, the court determined that plaintiff's amended complaint did not state a cognizable claim for relief against defendant Harrington. The court allowed plaintiff 30 days to submit an amended complaint to attempt to state a cognizable claim against defendant Harrington. On April 29, 2011, plaintiff consented to the dismissal of defendant Harrington without prejudice.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Harrington be dismissed from this action.

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

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
3 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
4 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: May 12, 2011.

6 
7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26