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

JAMISI JERMAINE CALLOWAY,

Plaintiff,

No. CIV S-09-2907 EFB P

vs.

M. VEAL, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

By order filed April 7, 2011, the court found that plaintiff had stated sufficient allegations against defendants Andreason and Vale. The court informed plaintiff he could proceed against these defendants only or file an amended complaint to attempt to state cognizable claims against defendants Hubbard, McKenzie, and Grannis. The court also informed plaintiff that the court would consider his decision to proceed only as to his claims against Andreason and Vale, as consent to the dismissal of plaintiff's defective claims against defendants Hubbard, McKenzie, and Grannis without prejudice. On April 29, 2011, plaintiff returned documents for service

1 against defendants Andreason and Vale and consented to the dismissal of defendants Hubbard,  
2 McKenzie, and Grannis.

3 Accordingly, IT IS HEREBY ORDERED that defendants Hubbard, McKenzie, and  
4 Grannis, are dismissed without prejudice.

5 DATED: May 11, 2011.

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7 EDMUND F. BRENNAN  
8 UNITED STATES MAGISTRATE JUDGE  
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